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General School Law of South Carolina

1912

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CONTAINING

Constitutional Provisions Relating to Education,
"Title IX Code of Laws 1912 on Public Instruction,"
Acts Relating to Education, 1912

South Carolina

Issued by the State Department of Education
J. E. SWEARINGEN, State Superintendent



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GENERAL SCHOOL LAW

OF

SOUTH CAROLINA

1912

PUBLISHED BY J. E. SWEARINGEN

State Superintendent of Education

Constitutional Provisions, 1912

ARTICLE XI.

EDUCATION.

§ 1. The supervision of public instruction shall be vested in a State Superintendent of Education, who shall be elected for the term of two years by the qualified electors of the State, in such manner and at such time as the other State officers are elected; his powers, duties and compensation shall be defined by the General Assembly.

§ 2. There shall be a State Board of Education, composed of the Governor, the State Superintendent of Education, and not exceeding seven persons to be appointed by the Governor every four years, of which board the Governor shall be Chairman, and the State Superintendent of Education, Secretary. This board shall have the regulation of examination of teachers applying for certificates of qualification, and shall award all scholarships, and have such other powers and duties as may be determined by law. The traveling expenses of the persons to be appointed shall be provided for by the General Assembly.

§ 3. The General Assembly shall make provision for the election or appointment of all other necessary school officers, and shall define their qualifications, powers, duties, compensation and terms of office.

§ 4. The salaries of the State and County school officers and compensation of County Treasurers for collecting and disbursing school moneys shall not be paid out of the school funds, but shall be otherwise provided for by the General Assembly.

§ 5. The General Assembly shall provide for a liberal system of free public schools for all children between the ages of six and twenty-one years, and for the division of the counties into suitable school districts, as compact in form as practicable, having regard to natural boundaries, and not to exceed forty-nine nor be less than nine square miles in area: *Provided*, That in cities of ten thousand inhabitants and over, this limitation of area shall not apply: *Provided, further*, That when any school district laid out under this section shall embrace cities or towns already organized into special school districts in which graded school buildings have been erected by the issue of bonds, or by special taxation, or by donation, all the territory included in said school district shall bear its just pro-

portion of any tax that may be levied to liquidate such bonds or support the public schools therein: *Provided, further*, That nothing in this article contained shall be construed as a repeal of the laws under which the several graded school districts of this State are organized. The present division of the counties into school districts and the provisions of law now governing the same shall remain until changed by the General Assembly.¹

§ 6. The existing County Boards of Commissioners of the several counties, or such officer or officers as may hereafter be vested with the same or similar powers and duties, shall levy an annual tax of three mills on the dollar upon all the taxable property in their respective counties, which tax shall be collected at the same time and by the same officers as the other taxes for the same year, and shall be held in the county treasury of the respective counties; and the said fund shall be apportioned among the school districts of the county in proportion to the number of pupils enrolled in the public schools of the respective districts, and the officer or officers charged by law with making said apportionment shall notify the trustees of the respective school districts thereof, who shall expend and disburse the same as the General Assembly may prescribe. The General Assembly shall define "enrollment." Not less than three trustees for each school district shall be selected from the qualified voters and taxpayers therein, in such manner and for such terms as the General Assembly may determine, except in cases of special school districts now existing, where the provisions of law now governing the same shall remain until changed by the General Assembly;² *Provided*, The manner of the selection of said trustees need not be uniform throughout the State. There shall be assessed on all taxable polls in the State between the ages of twenty-one and sixty years (excepting Confederate soldiers above the age of fifty), an annual tax of one dollar on each poll, the proceeds of which tax shall be expended for school purposes in the several school districts in which it is collected. Whenever during the three next ensuing fiscal years the tax levied by the said County Boards of Commissioners or similar officers and the poll tax shall not yield an amount equal to three dollars per capita of the number of children enrolled in the public schools of each county for the scholastic year ending the thirty-first day of October in the year eighteen hundred and ninety-five, as it appears in the report of the State Superintendent of Education for said scholastic year, the Comptroller General shall, for the aforesaid three next ensuing fiscal years, on the first day of each of said years, levy such an annual tax on the taxable property of the State as he may determine to be necessary to make up such deficiency, to be collected as other State taxes, and apportion the same among the counties of the State in proportion to the respective deficiencies therein. The sum so apportioned shall be paid by the State Treasurer to the County Treasurers of the respective counties, in proportion to the respective deficiencies therein, on the warrant of the Comptroller General, and shall be apportioned among the school districts of the counties, and disbursed as other school funds; and from and after the thirty-first day of December, in the year eighteen hundred and ninety-eight, the General Assembly shall cause to be levied annually on all the taxable property of the State such a tax, in addition to the said tax levied by the said County Boards of Commissioners or similar officers, and poll tax above provided, as may be necessary to keep the schools open throughout the State for such length of time in each scholastic year as the General Assembly may prescribe; and said tax shall be apportioned among the coun-

1. The laws applying to school districts and the Graded schools held not repealed by this constitutional provision. *Martin v. School District of Laurens*, 57 S. C. 125.

Liberal provision for support of schools required. *Murph v. Landrum*, 76 S. C. 32. And Acts in the interest of the schools will be so construed. *State, Spencer v. McCaw*, 67 S. C. 351.

Subdivision XI, of § 34, art. III, Const., must be construed in connection with this section, and

so construed a separate act extending the boundaries of a school district already created may be regarded a special provision in a general law. *State v. McCaw*, 77 S. C. 351, 58 S. E. 145.

2. The General Assembly has no power to disburse public school funds by Joint Resolution, except through the trustees of the district. *Asbill v. Martin*, 84 S. C. 271, 66 S. E. 297, distinguishing *Dickson v. Burckmeyer*, 67 S. C. 534.

ties in proportion to the deficiencies therein and disbursed as other school funds. Any school district may by the authority of the General Assembly levy an additional tax for the support of its schools.³

§ 7. Separate schools shall be provided for children of the white and colored races, and no child of either race shall ever be permitted to attend a school provided for children of the other race.⁴

§ 8. The General Assembly may provide for the maintenance of Clemson Agricultural College, the University of South Carolina, and the Winthrop Normal and Industrial College, a branch thereof, as now established by law, and may create scholarships therein; the proceeds realized from the land scrip given by the Act of Congress passed the second day of July, in the year eighteen hundred and sixty-two, for the support of an agricultural college, and any lands or funds which have heretofore been or may hereafter be given or appropriated for educational purposes by the Congress of the United States, shall be applied as directed in the Acts appropriating the same: *Provided*, That the General Assembly shall, as soon as practicable, wholly separate Claflin College from Claflin University and provide for a separate corps of professors and instructors therein, representation to be given to men and women of the negro race; and it shall be the Colored Normal, Industrial, Agricultural and Mechanical College of this State.

§ 9. The property or credit of the State of South Carolina, or of any county, city, town, township, school district or other subdivision of the said State, or any public money, from whatever source derived, shall not, by gift, donation, loan, contract, appropriation, or otherwise, be used, directly or indirectly, in aid or maintenance of any college, school, hospital, orphan house, or other institution, society or organization, of whatever kind, which is wholly or in part under the direction or control of any church or of any religious or sectarian denomination, society or organization.⁵

§ 10. All gifts of every kind for educational purposes, if accepted by the General Assembly, shall be applied and used for the purposes designated by the giver, unless the same be in conflict with the provisions of this Constitution.

§ 11. All gifts to the State where the purpose is not designated, all escheated property, the net assets or funds of all estates or copartnerships in the hands of the Courts of the State where there have been no claimants for the same within the last seventy years, and other money coming into the Treasury of the State by reason of the twelfth section of an Act entitled "An Act to provide a mode of distribution of the moneys as direct tax from the citizens of this State by the United States in trust to the State of South Carolina," approved the twenty-fourth day of December, in the year eighteen hundred and ninety-one, together with such other means as the General Assembly may provide, shall be securely invested as the State School Fund, and the annual income thereof shall be apportioned by the General Assembly for the purpose of maintaining the public schools.

§ 12. All the net income to be derived by the State from the sale or license for the sale of spirituous, malt, vinous and intoxicating liquors and beverages, not including so much thereof as is now or may hereafter be allowed by law to go to the counties and municipal corporations of the State, shall be applied annually in aid of the supplementary taxes provided for in the sixth section of this

3. The term "levy" as the three mill tax imposes purely ministerial duties on the board, and requires that it shall take such action as will place the tax on the auditor's books. *Dickson v. Burckmeyer*, 67 S. C. 534.

As to the apportionment of the tax, see *Capers v. Derham*, 54 S. C. 349; *Murph v. Landrum*, 76 S. C. 32.

4. See *Floyd v. News and Courier*, 71 S. C. 118.

5. See Attorney General's opinion as to what are not violations of this section. In the case of the *Epworth Orphanage*, September 27, 1902; and also Reports and Resolutions, 1905, vol. 2, p. 27.

article; and if after said application there should be a surplus, it shall be devoted to public school purposes, and apportioned as the General Assembly may determine: *Provided, however,* That the said supplementary taxes shall only be levied when the net income aforesaid from the sale or license for the sale of alcoholic liquors or beverages is not sufficient to meet and equalize the deficiencies for which the said supplementary taxes are provided.⁶

* * * * *

Done in Convention in Columbia, on the fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

JOHN GARY EVANS, President of the Convention.

IRA B. JONES, Vice-President of the Convention.

W. JASPER TALBERT, Vice-President of the Convention.

Attest:

S. W. VANCE, Secretary of the Convention.

⁶. *Murray v. Wilson Distilling Co.*, 53 L. Ed. 742, 213 U. S. 151. *Landrum*, 76 S. C. 22; *Capers v. Derham*, 54 S. C. 350.
How funds must be apportioned. See *Murph v.*

Code of Laws of South Carolina, 1912

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CHAPTER XXIV.

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§ 1698. State Superintendent of Education—His Election, Bond, and Salary.—The State Superintendent of Education shall be elected at each general election, in the same manner as other State officers, and shall enter upon the duties of his office at the time prescribed by law. Before entering upon the duties of his office, he shall give bond, for the use of the State of South Carolina, in the penal sum of five thousand (\$5,000) dollars, with good and sufficient sureties, to be approved by the Governor, conditioned for the faithful and impartial performance of the duties of his office; and he shall also, at the time of giving bond, take and subscribe the oath prescribed in Section 26 of Article III of the Constitution of the State, which shall be endorsed upon the back of said bond; and the bond shall be filed with the Secretary of State, and by him recorded, and when so recorded, shall be filed with the State Treasurer. The Superintendent of Education shall receive as compensation for his services the sum of nineteen hundred dollars per annum, payable monthly out of the State Treasury; and his traveling expenses, not exceeding three hundred dollars, shall be paid out of the State Treasury upon duly itemized accounts rendered by him.

Civ. '02, § 1174; 1896, XXII, 150; 1901, XXIII, 750.

§ 1699. Duties.—He shall have general supervision over all the public school funds, and it shall be his duty to visit every County in the State as often as practicable for the purpose of inspecting the schools, awakening an interest favorable to the cause of education, and diffusing as widely as possible, by public addresses and personal communications with school officers, teachers and parents, a knowledge of existing defects and of desirable improvements in the government and instruction of the said schools. He shall secure, by and with the advice of the State Board of Education, uniformity in the use of text books throughout the free public schools of the State, and shall forbid the use of sectarian or partisan books and instruction in said schools. He shall prepare and transmit to the several County Superintendents of Education, school registers, blank certificates, reports and such other suitable blanks, forms and printed instructions as may be necessary to aid school officers and teachers in making their reports and carrying into full effect the various provisions of the school laws of this State; and shall cause the law relating to the free public schools, with such rules, regulations, forms and instructions as shall be legally prescribed, to be printed, together with a suitable index, in pamphlet form, at the expense of the State; and he shall cause copies of the same to be transmitted to the several County Superintendents of Education for distribution. He shall collect in his office such school books, apparatus, maps and charts as can be obtained. He may

certify copies of all papers filed in his office, and such certified copies shall be competent evidence thereof.¹

Civ. '02, § 1175; 1896, XXII, 150.

§ 1700. To Report to General Assembly.—He shall make a report, through the Governor, to the General Assembly at each regular session thereof, showing: 1. The whole number of pupils registered in and the number enrolled as hereinafter defined in the free common schools of this State during the year ending the thirtieth day of the last preceding June, and the number in each County registered in and the number enrolled as hereinafter defined during the same period. 2. The number of whites and the number of colored, of each sex, attending the said schools. 3. The number of free schools in the State. 4. The number of pupils studying each of the branches taught. 5. The average wages paid to teachers of each sex, and to the principals of schools and departments in said schools. 6. The number of school houses erected during the year, and the location, material and cost thereof. 7. The number previously erected, and the material of their construction, and their condition and value, and the number with the grounds enclosed. 8. The Counties in which Teachers' Institutes were held, and the number attending the Institutes in each County. 9. Such other statistical information as he may deem important, together with such plans as he may have matured and the State Board of Education may have recommended for the management and improvement of the school fund and for the more perfect organization and efficiency of the free public schools. All State institutions of higher learning shall make an annual report on or before the first day of September of each year to the State Superintendent of Education, embracing a detailed account of the operations of such institutions, including the expenditure of the public moneys for the current scholastic year, which reports the State Superintendent of Education shall include in his annual report to the Legislature. All Acts or parts of Acts requiring annual reports to be made to other authorities are hereby repealed.

Civ. '02, § 1176; 1896, XXII, 150.

§ 1701. Salary of Clerk.—The sum of nine hundred dollars shall be allowed to the Superintendent of Education for the purpose of defraying the expenses of clerk hire in his office.

Civ. '02, § 1177; 1896, XXII, 150.

§ 1702. State Treasurer to Hold Devise or Bequest to State for Educational Purposes, etc.—The State Treasurer shall take and hold in trust for the State any grant or devise of lands and any gift or bequest of money or other personal property made to him for educational purposes, all gifts to the State where the purpose is not designated, all escheated property, the net assets or funds of all estates or copartnerships in the hands of the Courts of the State where there have been no claimants for the same within the last seventy years, and other money coming into the Treasury of the State by reason of the twelfth Section of an Act entitled "An Act to provide a mode of distribution of the moneys as direct tax from the citizens of this State by the United States in trust to the State of South Carolina," approved the twenty-fourth day of December in the year eighteen hundred and ninety-one, together with such other means as the General Assembly may provide. The State Treasurer shall from time to time invest in bonds of this State or of the United States all such money in the name of the State, as a permanent State school fund, and shall pay out the income derived therefrom to the County or the Counties of the State as the same may be apportioned among said Counties by the State Board of Education: *Provided*, That no disposition shall be made of any property, grant, devise, gift, or bequest, inconsistent with the purposes, conditions or terms thereof. For the faithful

¹ *Duncan v. State Board*, 74 S. C. 560, 564, 54 S. E. 760, affirmed in 78 S. C. 227, 249, 58 S. E. 1095.

management of all property so received by the State Treasurer, he shall be responsible upon his bond to the State as for other funds received by him in his official capacity: *Provided, however*, That the Trustees of any school district of this State may take and hold in trust for their particular school district any property granted, devised, given or bequeathed to such school district, and apply the same in the interest of the schools of their district in such manner as in their judgment seems most conducive to the welfare of the schools when not otherwise directed by the terms of the grant, devise, gift or bequest: *And provided, further*, That before said Trustees shall assume control of any grant, devise, gift or bequest they shall give a bond, to be approved by the County Board of Education of the County in which such grant, devise, gift or bequest is made, conditioned for the faithful discharge of the trust reposed in them in respect to said property, which bond shall be deposited with the Clerk of the Court of said County. The said Trustees are hereby invested with the care and custody of all school houses or other school property belonging to their school districts, with full power to control the same in such manner as they may think will best subserve the interest of the free public schools and the cause of education.

Civ. '02, § 1178; 1896, XXII, 150.

§ 1703. Other Duties.—The State Superintendent of Education shall discharge such other duties as may be provided by law; and he shall deliver to his successor, within ten days after the expiration of his term of office, all books, papers, documents and other property belonging to his office.

Civ. '02, § 1179; 1896, XXII, 150.

§ 1704. Vacancy—How Filled.—In case a vacancy occurs in the office of State Superintendent of Education, from any cause, such vacancy shall be filled by the Governor, by and with the advice and consent of the Senate, and the person so appointed shall qualify within fifteen days from the date of such appointment, or else the office shall be deemed vacant. If the vacancy occur during the recess of the Senate, the Governor shall fill the same by appointment until the Senate can act thereon.

Civ. '02, § 1180; 1896, XXII, 150.

§ 1705. State Board of Education.—The Governor, the Superintendent of Education, and seven persons, one from each Congressional District, to be appointed by the Governor, who shall hold office for four years, and until their successors may be appointed, unless sooner removed by the Governor, shall constitute the State Board of Education. Of this Board the Governor shall be *ex officio* Chairman, and the State Superintendent of Education shall be Secretary of the Board. The Secretary shall be custodian of its records, papers and effects, and shall keep minutes of its proceedings; and said records, papers and minutes shall be kept in the office of the State Superintendent of Education and shall be open to inspection by the public.

Civ. '02, § 1181; 1896, XXII, 150.

§ 1706. Meetings of Board—Compensation.—The said Board shall meet on the call of its Chairman, or upon the request of a majority of its members, at the office of the State Superintendent of Education, or at such other place as may be designated in the call. A majority of the Board shall constitute a quorum for transacting business. The official seal of the State Superintendent of Education shall be used for the authentication of the acts of the State Board. The members of the State Board of Education appointed by the Governor shall receive as compensation four dollars per diem and mileage as is provided for members of the General Assembly, not exceeding twenty days in any one year.

Civ. '02, § 1182; 1896, XXII, 150.

§ 1707. Advisory Board to Superintendent of Education—Powers in Cases of Appeal.—The State Board of Education shall constitute an advisory body, with whom the State Superintendent of Education shall have the right to

consult when he is in doubt as to his official duty; and shall have power to review on appeal all decisions of the County Boards of Education, as hereinafter provided for. Appeals to the State Board of Education must be made through the County Boards of Education, in writing, and must distinctly set forth the question of law as well as the facts of the case upon which the appeal is taken, and the decision of the State Board shall be final upon the matter at issue.²

Civ. '02, § 1183; 1896, XXII, 150.

§ 1708. General Powers of Board.—The State Board of Education shall have power: 1. To adopt rules and regulations not inconsistent with the laws of the State for its own government and for the government of the free public schools.³

2. To prescribe and enforce rules for the examination of teachers. 3. To prescribe a standard of proficiency before County Boards of Education which will entitle persons examined by such Boards to certificates as teachers. 4. To prescribe and enforce the course of study in the free public schools. 5. To prescribe and to enforce, as far as practicable, the use of a uniform series of text-books in the free public schools of the State; to enter into an agreement with the publishers of the books prescribed, fixing the time of prescription and the price above which the books shall not be retailed during the period of prescription, and a rate of discount at not less than which the books shall be furnished to the retail dealers in this State; to require the publishers, in the discretion of the Board, to establish in each County one or more depositories of their books within the State, at such place or places as the Board may designate, and where such books may be obtained without delay; and to exact of the publishers a bond in the sum of not more than five thousand dollars conditioned for the faithful performance of the agreement, and with a penalty of twenty-five dollars for each violation of the agreement, the form and execution of the bond to be approved by the Attorney-General of the State, which agreement and bond shall be deposited with the State Treasurer, all recoveries thereon to go into the State Treasury for school purposes: *Provided*, That the State Board of Education shall not have power, without permission of the General Assembly of the State, to change a text-book within five (5) years from the date of its adoption, except for violation of the agreement entered into by its publisher with the State Board of Education, for which cause it may be changed by the said Board; and it shall be unlawful for any teacher drawing public school money to use any book not prescribed by the State Board of Education without the consent, in writing, of said Board. 6. To grant State teachers' certificates and to revoke them for immoral or unprofessional conduct, profanity or evident unfitness for teaching. 7. To review on appeal an order revoking a County certificate. 8. To award scholarships created by the General Assembly in the institutions of learning supported in whole or in part by the State.

Civ. '02, § 1184; 1896, XXII, 150.

§ 1709. State Board of Education to Award Certain Scholarships.—The scholarships provided by law in the University of South Carolina, in the Clemson Agricultural College, in The Citadel, the Military College of South Carolina, and in the Winthrop Normal and Industrial College, shall be awarded by the State Board of Education upon the recommendation of the faculties of the respective institutions, or of such committees as may be appointed for that purpose by the boards of trustees of those institutions.

1911, XXVII, 113.

² Ex parte Greenville College, 75 S. C. 93, 95, 55 S. E. 132. See, also, post, § 1736.

³ Williams v. Hiers, 51 S. C. 388, 29 S. E. 89.

There is no indication in this Section that State Board of Education may not provide by contract with publishers of school text-books to maintain

at State capitol a central wholesale depository from which its agencies and the County depositories may be supplied at discount of not less than ten per cent. Duncan v. State Board, 74 S. C. 560, 564, 54 S. E. 760, affirmed in 78 S. C. 227, 249, 58 S. E. 1095.

§ 1710. Dates of Competitive Examinations.—These recommendations shall be determined by competitive examinations. The dates of these examinations shall be as follows: For the University of South Carolina, and for the Clemson Agricultural College, the second Friday in July of each year. For The Citadel, the Military College of South Carolina, the second Friday in August of each year. For the Winthrop Normal and Industrial College, the first Friday in July of each year.

1911, XXVII, 113.

§ 1711. Conditions and Methods of Examinations.—The conditions and methods of these examinations shall be as follows: No person who, during the current year, has won or holds a scholarship at one State institution shall be eligible to stand an examination for a scholarship in any other State institution. No applicant for a scholarship shall be eligible to stand an examination for a scholarship if such applicant has already attended the institution for which the scholarship is intended, or any other institution of higher learning known as college or university: *Provided*, That this condition shall not apply where there is no other applicant. No student who has forfeited a free scholarship, because of failure to maintain himself, shall be eligible to compete for reappointment at the same institution, or appointment in any other institution. No applicant shall be debarred from any of these examinations by reason of the fact that he or she has not obtained a permit to stand. The questions for these examinations shall be prepared under the direction of the presiding officers of the several institutions, and shall be forwarded to the respective County Superintendents of Education ten days before the dates appointed for the respective examinations. The said County Superintendents of Education shall hold the said examinations under such rules as may be prescribed by the respective institutions and approved by the State Board of Education, and the County Superintendents of Education shall forward the papers to the presiding officers of the several institutions. The papers shall be examined under the direction of the presiding officers of the respective institutions, and the faculty of each institution, or such committee as the board of trustees thereof may appoint for that purpose, shall make recommendations as to the award of the scholarships to the State Board of Education. Each institution shall have the right to reject any applicant who, in respect of age, of examination papers, or in any respect, fails to meet its requirements for admission.

1911, XXVII, 113.

§ 1712. Vacancies—How Filled.—If a vacancy shall occur in a scholarship for which there is no eligible applicant from the county to which that scholarship belongs, the faculty of the institution in which that vacancy occurs, or the committee to which this duty has been entrusted by the board of trustees, may fill the vacancy by the appointment of any applicant from the State at large: *Provided*, That when such vacancy is filled by such appointment at large the scholarship shall again become vacant at the end of the current session if there is an eligible applicant from the County to which the scholarship regularly belongs.

1911, XXVII, 113.

§ 1713. Requirement as to Scholarships.—Those receiving scholarships in the University of South Carolina shall be required to take the regular teachers' normal course.

1911, XXVII, 113.

§ 1714. Normal Scholars Deposit Notes.—All holders of normal scholarships in the University of South Carolina shall be required at the time of the receipt of any scholarship funds by them to deposit with the treasurer of the University their notes for the amount of scholarship money received, promising to repay such money to the State Treasurer at or before the expiration of eight years after the date of such receipt, which notes and promises shall be cancelled

on presentation to the dean of the department of education of satisfactory evidence of the promissors' having taught school in South Carolina for two years after leaving the institution.

1911, XXVII, 113.

§ 1714a. Award of Scholarships in Winthrop Regulated.—After the approval of this Act, in counties to which less than four free scholarships in Winthrop College are apportioned, at least one such scholarship shall be open exclusively to applicants from rural communities, and in counties having more than four such scholarships at least two shall be open exclusively to applicants from rural communities: *Provided*, That nothing herein contained shall prevent applicants from rural communities from contesting for any such scholarships; *Provided*, The said applicants from rural communities make the required entrance examination average; if they do not, then the award of the scholarship shall revert to such other applicant or applicants who make the required average.

1912, XXVII, 685.

§ 1714b. Beneficiary Scholarships to Clemson to Be Awarded—How.—The beneficiary scholarships in Clemson Agricultural and Mechanical College as now apportioned among the several counties shall be awarded as hereinafter provided, to wit: In counties having less than four such scholarships, one shall be open exclusively to boys from rural communities, and in counties having four or more such scholarships, at least two thereof shall be open exclusively to boys from rural communities: *Provided*, That nothing herein shall exclude boys residing in rural communities from also contesting for any of such scholarships.

1912, XXVII, 685.

§ 1714c. Beneficiary Scholarships for Clemson.—There are hereby established and created fifty-one beneficiary agricultural scholarships in the Clemson Agricultural College of South Carolina, said scholarships to be of the value of \$100.00 per annum, and free tuition, and to be awarded so that there shall be one scholarship to each county, and seven scholarships from the State at large.

1912, XXVII, 686.

§ 1714d. Scholarships to Be Awarded—How.—The said scholarships shall be awarded as a prize for meritorious agricultural achievement under the following conditions: On or before July 1st, the County Executive Committee or other governing Board of the most representative and well recognized agricultural association or society or organization of farmers in the county as determined from time to time by the Board of Trustees of Clemson Agricultural College, shall recommend to the President of the said Clemson Agricultural College, in order of merit, three or more young men who have done creditable work of an agricultural nature, giving an explicit statement of the work done by each. The young men thus recommended shall be notified by the President of the College and shall stand examination at the county seat at the same time and under the same conditions as other scholarship applicants; except that no certificate of financial inability shall be required. In the event of there being no such agricultural association or society, or organization of farmers in any particular county, the Director of the Agricultural Department of the said Clemson Agricultural College shall solicit opinions from three or more representative farmers in the said county, and from these recommendations prepare a list which shall be submitted to the President of the College in lieu of the recommendation of the said Executive Committee or other governing Board of such agricultural association, society, or organization of farmers.

1912, XXVII, 686.

§ 1714e. Scholarships at Large.—Recommendations for the seven scholarships at large shall be made in every way as for the county scholarships, except that the Executive Committee or other governing Board of the most representative and well recognized agricultural association or society or organization of

farmers in the State at large as determined from time to time by the Board of Trustees of Clemson Agricultural College shall act instead of the County Executive Committee or other governing Board hereinbefore mentioned in Section 1714d.

1912, XXVII, 686.

§ 1714f. Age Limit.—Any student as above recommended for meritorious agricultural service shall, as a prerequisite to admission to the Clemson Agricultural College, be of such age as is fixed by the Board of Trustees for admission of other students, and shall have passed the entrance examinations as required of other beneficiary scholarship students.

1912, XXVII, 686.

§ 1714g. Board of Education to Appoint.—The Faculty of the said Clemson Agricultural College, or committee designated by the Board of Trustees for that purpose, shall recommend to the State Board of Education for appointment to the scholarship, one of the young men on the list of those recommended who has successfully passed the examination, and is otherwise qualified.

1912, XXVII, 686.

§ 1714h. How Scholarships to Be Paid for—Term of Scholarship.—The said scholarships shall be paid from the income of the said Clemson Agricultural College as now provided by law, and each shall continue for a term not exceeding one year; or for such length of time as the beneficiary shall be able to maintain himself as a student of the college, and the said sum of \$100.00 per annum shall be placed to the credit of each beneficiary, and applied to the payment of his board and other necessary expenses.

1912, XXVII, 686.

§ 1715. Enrollment Defined.—No child shall be counted in the enrollment more than once, nor in more than one school district in any one school year, and the school officer charged with the duty of enrollment willfully violating this provision shall be guilty of a misdemeanor. The teacher or principal of every school shall keep and furnish annually to the Trustees of the school district a list of all pupils that have attended the school during the preceding scholastic year, showing the names of the pupils, their respective places of residence and the number of days each pupil has attended, which list shall be certified to the County Board of Education by said Trustees on or before the 1st day of August in every year.

Civ. '02, § 1185; 1896, XXII, 150.

§ 1716. Enrollment in Night Schools to Be Counted in Apportionment.—Whenever any children of school age, as provided by law, shall attend a public night school for twenty nights in any scholastic year, they shall be deemed enrolled and their names shall be used by the County Boards of Education in making apportionments just as if they had attended day school ten days, as provided by law: *Provided*, That the said night schools shall be taught by teachers qualified by law to teach in the public schools of the State: *And Provided, also*, That the course of study shall be the course approved by the State Board of Education for use in the public schools of the State.

The same children shall not be counted twice in making up the enrollment of a school district.

1905, XXIV, 960.

§ 1717. County Superintendent of Education.—There shall be elected by the qualified electors of the County a County Superintendent of Education for each County, who shall hold his office for the term of four years and until his successor is elected and qualified, except in the Counties of Anderson, Bamberg, Beaufort, Berkeley, Fairfield, Hampton, Lancaster, Marion, Pickens, Sumter, Williamsburg and York, in which Counties his term of office shall be two years. He shall, before being commissioned and entering upon the duties of his office,

give bond to the State, for the use of the County in which he is elected, for educational purposes, in the penal sum of one thousand dollars, except in the County of Dorchester, where the bond of the Superintendent of Education shall be two thousand dollars, with good and sufficient sureties, to be approved by the County Board of Commissioners, conditioned for the faithful and impartial discharge of the duties of his office; and shall take and subscribe the oath of office prescribed in Section 26, Article III, of the Constitution of this State, which he shall file in the office of the Secretary of State. When commissioned, he shall immediately enter upon the discharge of his duties. His failure to qualify within thirty days after notice of his election shall create a vacancy: *Provided*, The bond of the Superintendent of Education for Saluda County, which has a large reserve school fund, shall be five thousand dollars.

Civ. '02, § 1186; 1896, XXII, 150; 1903, XXIV, 58; 1907, XXV, 652; 1908, XXV, 1350; 1909, XXVI, 124, 180; 1910, XXVI, 698, 699, 700; 1911, XXVII, 62.

§ 1718. Vacancies.—The State Board of Education shall fill all vacancies in the office of County Superintendent of Education for the unexpired term.

Civ. '02, § 1187; 1896, XXII, 150.

§ 1719. Duty to Visit Schools, etc.—It shall be the duty of each County Superintendent of Education to visit the schools in his County at least once in each year, and oftener if practicable, and to note the course and method of instruction and the branches taught, and to give such recommendation in the art of teaching and the method thereof in each school as shall be necessary, so that uniformity in the course of studies and method of instruction employed shall be secured as far as practicable in the schools of the several grades, respectively. He shall acquaint himself as far as practicable with the character and condition of each school, noting any deficiencies that may exist, either in the government of the school or the classification of its pupils or the method of instruction employed in the several branches, and shall make such suggestions in private to the teachers as to him shall appear necessary to the good order of the school and the progress of the pupils. He shall note the character and condition of the school houses, the sufficiency or insufficiency of the furniture, and shall make such suggestions to the several Boards of Trustees as in his opinion shall seem conducive to the comfort and progress of the several schools. It shall be the duty of each County Superintendent of Education to aid the teachers in all proper efforts to improve themselves in their profession. For this purpose he shall encourage the formation of associations of teachers for common improvement and conduct teachers' institutes. He shall attend the meetings of such associations and give such advice and instruction in regard to their conduct and management as in his judgment will contribute to their greater efficiency.

Civ. '02, § 1188; 1896, XXII, 150.

§ 1720. County Superintendent to Attend Annual Settlement of County Treasurer—Apportionment of School Funds.—The County Superintendent of Education shall attend the annual settlement of the County Treasurer with the Comptroller-General. Within ten days after the County Treasurer makes his monthly report to the County Superintendent of Education, showing the amount of money collected by him since his last monthly report, it shall be the duty of the County Superintendent of Education to apportion the money arising from a tax on property as shown by the Treasurer's report among the school districts of his County, and to certify such apportionment to the County Treasurer, together with the poll tax belonging to each district as shown by said report; and it shall be the duty of the County Treasurer to enter upon his book to the credit of each school district the amount due each district according to such certificate of apportionment, and the County Treasurer shall pay out the money belonging to the respective districts, upon the school warrants of such districts, duly signed and countersigned by the school authorities, for that scholastic

year in the order of their presentation: *Provided*, That there be no outstanding claims of the previous scholastic year; and the Comptroller-General shall receive the warrants thus paid as proper vouchers in the hands of the County Treasurer.⁴

Civ. '02, § 1189; 1896, XXII, 150; 1898, XXII, 761.

§ 1721. Reports of County Superintendent—What to Contain.—The annual report of the County Superintendent of Education shall contain the complete statistics of all schools within his County supported in whole or in part from the public funds, as may be required of him by the State Superintendent of Education.

Civ. '02, § 1190; 1896, XXII, 150.

§ 1722. Annual Report, etc., of County Superintendent.—The County Superintendent of Education shall make an annual report of all claims filed, audited and allowed and ordered paid by him during each fiscal year to the presiding Judge at the third term of the Court of General Sessions for his County, which shall be held after the first day of January in each year, to be submitted by said Judge to the Grand Jury for their examination. After examination, the Grand Jury shall report thereon to the presiding Judge any matter growing out of or pertaining to said annual report which to them may seem worthy of the attention of the Court. The said report shall thereupon be filed by the Clerk of said Court, and kept as papers of said Court, for inspection by any citizen desirous of examining the same.

Civ. '02, § 1191; 1896, XXII, 158; 1897, XXII, 509.

§ 1723. County to Furnish Certain Things.—The County Board of Commissioners of each County are authorized and required to furnish the County Board of Education of their County with a comfortable and convenient office and suitable office furniture, and to supply said office with fuel, lights, stationery, postage and such other incidentals as are necessary to the proper transaction of the legitimate business of his office.

Civ. '02, § 1192; 1896, XXII, 158.

§ 1724. Report to County Treasurer All Claims Approved.—It shall be the duty of the County Superintendent of Education, on or before the fifteenth day of July in each year, to report to the County Treasurer, by school districts, all school claims approved by him for the school year last preceding, and the County Treasurer shall thereupon close the school accounts for that year, carrying over any balance to the credit of each school district of the then current fiscal year.

Civ. '02, § 1193; 1896, XXII, 158.

§ 1725. Register to Be Kept.—The County Superintendent of Education shall keep a register of all claims approved by him and of such other matters as the State Superintendent of Education shall require of him, and in the form prescribed by the State Superintendent.

Civ. '02, § 1194; 1896, XXII, 158.

§ 1726. What to Furnish the Trustees.—The County Superintendent of Education shall furnish the School Trustees of his County with copies of the reports made to him by the County Auditor and County Treasurer as to the persons listed and paying poll tax, and shall aid the Trustees in making all proper corrections.

Civ. '02, § 1195; 1896, XXII, 158.

§ 1727. Seal of County Superintendent.—The County Superintendents of Education shall keep in their office a die, in a circular form, upon the centre of which shall be engraved, in capital letters, the word "seal," and on the circum-

4. See Criminal Code for penalty for violation of this Section.

ference the proper words indicating the office, which shall be regarded as the seal of the office, and which the County Superintendent of Education shall be required to impress upon all papers issued from his office, and affix his name to such paper. And it shall be the duty of the County Board of Commissioners in each County to furnish the County Superintendent of Education of their respective Counties with such seal.⁵

Civ. '02, § 1196; 1896, XXII, 158.

§ 1728. Salaries of County Superintendents of Education Fixed.—In Abbeville, Marlboro, Chester, Lexington, Union and York Counties they shall receive annually, in addition to the salaries provided, one hundred dollars, and in Laurens County, fifty dollars, for traveling expenses; and in every other County of the State they shall receive annually in addition to their salaries such sum as may be necessary to pay the actual expenses incurred by them in attending meetings called for the purpose of advancing the educational interests, and for the purpose of visiting schools in other Counties in order to become familiar with their management and mode of teaching: *Provided*, That no such account shall be approved in favor of any County Superintendent of Education until such Superintendent of Education shall have furnished the County Board of Education with an itemized statement, under oath, of the expenses incurred: *And provided, further*, That in no case shall the expenses exceed one hundred dollars, to be paid on the warrant of the County Board of Education. His claim for services and expenses shall be presented in the form of an account against the County Board of Education, and shall be verified by affidavit to the effect that said account is just and true; that the service therein named was honestly and faithfully rendered, and that the sum therein claimed is rightfully due and remains unpaid. When said account shall have been duly audited and approved by the County Board of Education, it shall be filed with the County Treasurer, who shall pay the same ratably out of the funds apportioned to the several school districts in proportion to the average number of children attending the free public schools in each school district.⁶

Civ. '02, § 1198; 1883, XXIII, 535; 1891, XX, 1114, 1391, 1268; 1893, XXI, 492; 1899, XXIII, 1057; 1905, XXIV, 836.

§ 1729. County Board of Education—Of Whom Composed, etc.—There shall be a County Board of Education in each County, composed of three members, one of whom shall be the County Superintendent of Education, and the other two shall be appointed by the State Board of Education at its regular meeting in April, 1897, and every two years thereafter, who shall hold their office for a term of two years from the time of their appointment and until their successors shall be appointed and qualified, unless sooner removed by the State Board of Education.

Civ. '02, § 1199; 1897, XXII, 516.

§ 1730. Duties of County Board of Education.—The County Board of Education shall examine all candidates for the position of teacher, and give to each person found qualified a certificate setting forth the branches of learning he or she may be capable of teaching, and the percentages attained in each branch, said certificate to be valid for a term of two years, unless sooner revoked, and it may be renewed with or without examination, at the discretion of the board, all of which shall be done under such regulations as the State Board of Education may prescribe. No teacher shall be employed in any of the free public schools without a certificate from the County Board of Education or the State Board of Education: *Provided*, That no examination as to the qualification shall be made in the case of any applicant who produces a full diploma from any chartered

5. It is not necessary that claims approved by him be also under his official seal. *State v. Morton*, 51 S. C. 323, 28 S. E. 945.

6. The Act of 1899, Section 1197, held not to repeal Section 1057 of the Revised Statutes of 1893, contained in this Section. *Houser v. Orangeburg Co.* 59 S. C. 263.

college or university of this State, or Memminger Normal School of Charleston, and furnish satisfactory evidence of good moral character: *Provided, further,* That the State Board of Education shall examine into the curriculum standing, faculty and equipment of each institution, and see that it is doing real college work, before certificates may be issued on its diplomas. The two members of the board appointed by the State Board of Education shall receive for the services rendered by them compensation at the rate of three dollars per diem for not exceeding seven days, except in the counties of Greenville and Orangeburg, where the number of days shall not exceed twenty, and in the counties of Barnwell, Dorchester, York and Hampton, where the number of days shall be ten, if so much be necessary, in each year, and mileage of five cents for each mile of necessary travel, the same to be paid by the County Board of Commissioners out of the ordinary county funds.⁷

Civ. '02, § 1200; 1897, XXII, 516; 1903, XXIV, 1084; 1906, XXV, 37; 1908, XXV, 1151; 1909, XXVI, 73; 1910, XXVI, 740; 1911, XXVII, 116.

§ 1731. What Shall Be Taught.—It shall be the duty of the County Board of Education and the Boards of Trustees hereinafter provided for to see that in every school under their care there shall be taught, as far as practicable, orthography, reading, writing, arithmetic, geography, English grammar, the elements of agriculture, history of the United States and this State, the principles of the Constitution of the United States and this State, morals and good behavior, algebra, physiology and hygiene, and especially as to the effects of alcoholic liquors and narcotics upon the human system, English literature, and such other branches as the State Board may from time to time direct.

Civ. '02, § 1201; 1896, XXII, 161.

§ 1732. Physiology and Hygiene to Be Taught in Public Schools—Nature of Alcoholic Drinks and Narcotics.—The nature of alcoholic drinks and narcotics and special instruction as to their effect upon the human system, in connection with the several divisions of the subject of Physiology and Hygiene, shall be included in the branches of study taught in common or public schools in the State of South Carolina, and shall be studied and taught as thoroughly and in the same manner as other like required branches are in said schools, by the use of text-books in the hands of pupils where other branches are thus studied in said schools, and orally in the case of pupils unable to read, and shall be taught by all teachers and studied by all pupils in all said schools supported wholly or in part by public money.

1908, XXV, 1054.

§ 1733. Text-Books—Relating to Alcoholic Drinks and Narcotics.—The text-books used for the instruction required to be given by the preceding Section in primary and intermediate grades, shall give at least one-fourth of their space to the consideration of the nature and effects of alcoholic drinks and narcotics, and the books used in the highest grade of graded schools shall contain at least twenty pages of matter relating to this matter.

1908, XXV, 1054.

§ 1734. Penalty to Enforce Provisions.—It shall be the duty of the proper officers in control of any school described in the foregoing Section to enforce the provisions of the last two Sections; and any such officer, school director, committee, superintendent or teacher who shall refuse or neglect to comply with the requirements of the last two Sections, or shall neglect or fail to make proper provisions for the instruction required and in the manner specified by Section 1732, for all pupils in each and every school under his jurisdiction, shall be removed from office and the vacancy filled as in other cases.

1908, XXV, 1054.

7. Ex parte Greenville College, 75 S. C. 93, 94, 55 S. E. 132.

§ 1735. Three Mill Tax.—The County Board of Education of the several Counties of this State, or such officer or officers as may be vested with the same or similar powers or duties shall levy an annual tax of three mills on the dollar upon all the taxable property in their respective Counties, which tax shall be collected at the same time and by the same officers as the other taxes for the same year, and shall be held in the County treasury of the respective Counties, and on the first day of July of each year, or as soon as practicable thereafter, the said fund shall be apportioned by the said County Boards respectively among the school districts of their respective Counties in proportion to the number of pupils enrolled in the public schools of such school districts; and the said County Boards shall ascertain the amount of poll taxes collected in and for each school district of their respective Counties, and shall notify the County Treasurer and the trustees of each school district of the amount of poll taxes, as well as of the amount of the aforesaid fund apportioned by them to each school district.

HOW SCHOOL FUNDS ARE DISTRIBUTED AND EXPENDED.—The school funds of each district shall be distributed and expended by the Board of Trustees for the best interests of the school district, according to the judgment of the Board of Trustees, on their warrant approved by the County Superintendent of Education. For the purpose of said apportionment pupils shall not be deemed enrolled until after an attendance of at least ten school days during the preceding scholastic year.⁸

Civ. '02, § 1202; 1896, XXII, 161.

§ 1736. Advisory Board to County Superintendent—Powers in Case of Appeal.—The County Board of Education shall constitute an advisory body with whom the County Superintendent of Education shall have the right to consult when he is in doubt as to his official duty, and also a tribunal for determining any matter of local controversy in reference to the construction or administration of the school laws, with the power to summon witnesses and take testimony if necessary, and when they have made a decision said decision shall be binding upon the parties to the controversy: *Provided*, That either of the parties shall have the right to appeal to the State Board of Education, and said appeal shall be made through the County Board of Education, in writing, and shall distinctly set forth the question in dispute, the decision of the County Board and the testimony as agreed upon by the parties to the controversy, or, if they fail to agree, upon the testimony as reported by the County Board.⁹

Civ. '02, § 1203; 1896, XXII, 161.

§ 1737. Meetings and Duties of Board of Education.—The County Board of Education shall meet for the purpose of examining applicants for teachers' certificates, and the transaction of other business, at least twice a year, at such times as the State Board of Education shall appoint. The County Superintendent shall be Chairman and Clerk of the Board, and shall keep a fair record of their proceedings, and register of the name, age, sex, color, residence and date of certificate of each person to whom a certificate is issued, and in case the certificate be cancelled shall make a proper entry of the same. The Board shall have power to revoke any certificate granted by them, for immoral or improper conduct, or evident unfitness for teaching. The Board shall hold as many additional

⁸. Mandamus will not issue to compel approval of warrant where the funds in treasury are insufficient to pay it. *State ex rel. Williams v. Hiers*, 51 S. C. 388, 29 S. E. 89; *State ex rel. Bryson v. Daniel*, 52 S. C. 201, 29 S. E. 633. The power of the County Superintendent is also discretionary, and mandamus therefore is not the proper remedy. The remedy is given in next Section. *State v. Hiers*, *supra*. See Constitution of 1895, Article XI, Section 6.

⁹. *Williams v. Hiers*, 51 S. C. 388, 29 S. E. 89. Action by school teacher for damages for breach

of contract to teach school is not "matter of local controversy in reference to construction or administration of school laws." *Hughes v. School District*, 66 S. C. 259, 276, 44 S. E. 784.

Mandamus to require County Board of Education to issue teacher's certificate to graduate of Greenville College for Women on its diploma is not proper remedy, but appeal to State Board of Education. *Ex parte Greenville College*, 75 S. C. 93, 55 S. E. 132.

meetings during the year as the interest of the free public schools of the County may require, subject to regulations prescribed by the State Board of Education.

Civ. '02, § 1204; 1896, XXII, 161.

§ 1738. Counties to Be Divided into School Districts—By Whom, Size of, etc.—The County Boards of Education shall divide their Counties into convenient school districts, as compact in form as practicable, having regard to natural boundaries, and not to exceed forty-nine nor be less than nine square miles in area, and shall alter the lines thereof, and create additional school districts from time to time as the interests of the schools may, in their judgment, demand: *Provided*. That no new school district shall be erected by said County Board of Education, except upon the petition of at least one-third of the qualified electors embraced within the limits of such proposed school district: *Provided, further*. That no school district shall be consolidated except upon a petition of at least one-third of the qualified voters of the school district proposed to be consolidated: *Provided, further*. Whenever territory embraced in two or more Counties is proposed to be formed into one school district, the same may be formed by the joint action of the Board of Education of the respective Counties as herein provided for the formation of school districts in a County: *Provided*. That in cities of ten thousand inhabitants and over, this limitation of area shall not apply: *Provided, further*. That when any school district laid out under this Section shall embrace cities or towns already organized into special school districts, in which graded school buildings have been erected by the issue of bonds, or by special taxation, or by donation, all the territory included in said school district shall bear its just proportion of any tax that may be levied to liquidate such bonds or support the public schools therein. The present division of the Counties into school districts shall remain until changed by the County Boards of Education. The County Boards of Education are authorized and empowered to make contracts for the purpose of dividing their Counties into proper school districts, and to provide for the payment of the expenses thereof out of the school funds of the County. Every school district now organized, or to be hereafter organized in pursuance of this Section, is and shall be a body politic and corporate, by the name and style of School District No. (such number as may be designated by the County Board of Education), of County (the name of the County in which the district is situated), the State of South Carolina; and in that name may sue and be sued, and be capable of contracting and being contracted with to the extent of their school fund, and holding such real and personal estate as it may come into possession of, by will or otherwise, or as is authorized by law to be purchased, all of which shall be used exclusively for school purposes.¹⁰

Civ. '02, § 1205; 1896, XXII, 161; 1900, XXIII, 360.

§ 1739. Dissolution of School Districts in Adjoining Counties.—Any school district formed of parts of two or more Counties under the provisions of this Section, may be dissolved in the same manner as that by which the same may have been formed, as above provided.

1910, XXVI, 694.

§ 1740. Board of Trustees.—Each school district shall be under the management and control of the Board of Trustees hereinafter provided for, subject to the supervision of the County Board of Education.¹¹

Civ. '02, § 1206; 1896, XXII, 162.

¹⁰. As to authority of Trustees, see *State v. Bacon*, 31 S. C. 120, 9 S. E. 765. School District not necessary party to suit on County Treasurer's bond for misappropriating school funds. *Aiken County v. Murray*, 35 S. C. 508, 14 S. E. 954.

Circuit Court has jurisdiction of action by teacher against school district for damages for

breach of contract to teach school, and complaint need not state that he held certificate at time of contract. *Hughes v. School District*, 66 S. C. 259, 276, 44 S. E. 784.

¹¹. Words "management and control" do not import any power beyond that demanded from their ordinary meaning. *Young v. Trustees*, 64 S. C. 131, 138, 41 S. E. 824.

§ 1741. School Districts Made Tax Districts.—The school districts of the several Counties of the State are hereby made and declared to be the divisions of the Counties for taxation for all school purposes.

Civ. '02, § 1207; 1896, XXII, 162.

§ 1742. How School Districts May Levy Special School Tax—How Collected and Paid.—The voters or electors of any school district, who return real or personal property for taxation, are authorized to levy and collect an annual tax, to supplement any special or other constitutional or other tax for like purposes, in the following manner: Upon the written petition or request of at least one-third of the resident electors and a like proportion of the resident freeholders of the age of twenty-one years, being filed with the County Board of Education, asking for the same and stating the rate of the tax levy proposed, which shall not exceed eight mills, the said County Board of Education shall order the Board of Trustees of said school district to hold an election at some place within the district, after giving notice of the time and place thereof for at least two weeks in some newspaper published within the County, and by posting notice thereof in at least three public places within such school district, for such length of time, unless there be no newspaper published within the County, in which event the posting of the notices as above shall suffice; at which said election only such electors as return real or personal property for taxation, and who exhibit their tax receipts and registration certificates as required in general elections, shall be allowed to vote. At the said election the Board of Trustees shall act as managers, and the election shall be conducted as is provided by law for the conduct of general elections. At said election each elector favoring the proposed levy shall cast a ballot containing the word "Yes," printed or written thereon, and each elector opposed to said levy shall cast a ballot containing the word "No," printed or written thereon. Within ten days after such election, if the majority of those voting shall vote for such levy, the Board of Trustees shall furnish the County Auditor with a statement of the amount so levied and the Auditor shall enter the same in the tax duplicates, and he shall annually, each year thereafter, enter said amount in the tax duplicates until the same is increased, decreased or repealed by said taxpayers, at an election called for that purpose, and he is notified that the same has been increased, decreased or repealed; and if increased or decreased, he shall annually enter it as before; which election shall be called and notice given in the same way and manner as is herein provided for the calling of meetings to make the levy and the giving of the notice that it has been made, and the County Treasurer shall collect the same as other County and State taxes: *Provided*, That any tax which may be levied, increased, decreased or repealed after October 1st in any fiscal year, shall not take effect until the next succeeding fiscal year. Such levy shall be a lien on the property in such school district, which shall be subject thereto in case of default of payment. Said tax so collected shall be paid out by the County Treasurer upon warrants drawn by the Board of Trustees, countersigned by the County Superintendent of Education: *Provided*, That any surplus of such levy remaining in the hands of the County Treasurer at the expiration of any fiscal year shall be paid out as other school funds of the district. Each taxpayer, when he pays any tax for school purposes voted under the provision of this Section, shall have the right to designate to which school in said school district he wishes the money paid by him to go; and the Treasurer shall keep a note of such designation, and the money be applied as thus designated. When no designation is made by the taxpayer at the time of such payment, the money shall be expended as other school funds in such district: *Provided*, That nothing herein contained shall be construed to change the manner now provided by law for the collection and paying out of special taxes in any school district now

established by any special Act of the General Assembly and organized thereunder.¹²

Civ. '02, § 1208; 1896, XXII, 162; 1900, XXIII, 364; 1903, XXIV, 64; 1906, XXV, 111; 1907, XXV, 631; 1910, XXVI, 742.

§ 1743. School Districts May Issue Bonds—Elections.—The trustees of any public school district in the State of South Carolina are hereby authorized and empowered to issue and sell coupon bonds of the said school district, payable to bearer, in such denominations and amount as they may deem necessary, not to exceed four per cent. of the assessed valuation of the property of such school district for taxation, and bearing a rate of interest not exceeding six per cent. per annum, payable annually or semi-annually, and at such times as they may deem best: *Provided*, That the question of issuing the bonds authorized in this Section shall be first submitted to the qualified voters of such school district at an election to be held upon the written petition or request of at least one-third of the resident electors and a like proportion of the resident freeholders of the age of twenty-one years, to determine whether said bonds shall be issued or not, as herein provided: *Provided, further*, That before any election is held hereunder it shall be the duty of the trustees of the school district to have a survey of said school district made by some competent surveyor and a plat thereof made and filed in the office of the Clerk of Court: *Provided, further*, That the maximum percentage of assessed valuation as fixed above shall not apply to Rosemary School District in the County of Georgetown, but that in said school district the maximum percentage of assessed valuation of property shall be eight per cent.¹³

1907, XXV, 523; 1909, XXVI, 89.

§ 1744. How Election Shall Be Held.—For the purpose of determining the issue of bonds authorized in Section 1743, such Trustees of school district shall order an election to be held at such place in such school district as may be designated by such Trustees of such school district on the question of whether such bonds shall be issued or not, in which election only qualified voters residing in such school district shall be allowed to vote, and such Trustees shall give notice of such election for ten days in a newspaper published in such district, or by posting such notice in three public places in such school district; shall designate the time and place and appoint the managers of such election, and receive the returns of the managers and declare the results.

1907, XXV, 523.

§ 1745. Ballots.—The ballot cast must have written or printed on it the words "For Bonds," or "Against Bonds."

1907, XXV, 523.

§ 1746. How Bonds Shall Be Sold—Special Tax Levy.—If a majority of the votes cast at such election shall be for the issuing of bonds, such Trustees shall issue such bonds, which shall run not longer than twenty years from date of issue thereof, which shall be sold by such Trustees at not less than par, and the proceeds of which shall be used by such Trustees for the purpose of erecting buildings, and for equipment for maintaining public schools in such School district, or for paying indebtedness of such School District; and such bonds and coupons of same shall constitute a lien upon the property of such school district; it shall be the duty of the County officers, charged with the assessment and collection of taxes, to levy and collect annually from all the property, real and personal, within the limits of such school district, a sum sufficient

¹². Proceedings to levy tax; taxpayer participating estopped to deny regularity, etc. *Martin v. School District of Laurens*, 57 S. C. 125, 35 S. E. 517.

Provision that "only such electors as return real or personal property for taxation," etc., shall be allowed to vote, does not apply to election

under § 1743. *McLaurin v. Tatum*, 85 S. C. 444, 448, 67 S. E. 560.

¹³. Term "qualified voter" means same as "qualified elector" in Constitution and general election statutes. *McLaurin v. Tatum*, 85 S. C. 444, 448, 67 S. E. 560.

to pay the interest on such bonds, and also a sum sufficient to provide a sinking fund for the payment of such bonds when due, and the coupons thereof shall be received for school taxes upon property within such school district.

1907, XXV, 523.

§ 1747. How Bonds Shall Be Signed.—All bonds issued under and in pursuance of the provisions herein shall be signed by the Trustees of such school district: *Provided*, That the signatures of such Trustees shall be lithographed or engraved upon the coupons attached to such bonds, and such lithographed or engraved signatures shall be sufficient signing thereof.

1907, XXV, 523.

§ 1748. Proceeds—How Disposed of.—The proceeds of such bonds as are contemplated hereinabove shall be deposited with the County Treasurer of the County in which such school district is located, and shall be receipted for by such County Treasurer, and shall be paid out by him only upon the warrant of such Board of Trustees, as provided by law for the handling, expending and accounting for all other public funds: *Provided*, That nothing in the above Sections shall be construed as affecting any bonds already issued or voted in any school district of the State or bonds authorized by special Acts of the Legislature.

1907, XXV, 523.

§ 1749. How Money Shall Be Deposited.—The Treasurers of the Counties in which said school districts are situated are directed and requested to deposit all moneys in their hands belonging to the sinking fund which may accumulate under the provisions herein in some savings institution or bank approved by the Board of Trustees of said school district, at the best rate of interest that can be obtained until the said bonds mature, and that the said Treasurers shall, at the direction of the Board of Trustees, change the place of deposit at any time: *Provided*, That the sinking fund belonging to Hartsville School District No. 32, in Darlington County, or which may accumulate under the provisions of this Act, shall be under the control and management of the Board of Trustees of said school district, and shall be applied to the bonds issued by them, or be invested by them to meet the payment of same when due: *Provided, further*, That Norway School District No. 71, in Orangeburg County, may issue school bonds not to exceed eight per cent. of the total taxable value of the property in such school district.

1907, XXV, 523; 1912, XXVII, 631.

§ 1750. Special School Districts in Adjoining Counties.—Whenever it shall happen that by reason of the location of special school districts, portions of two adjacent Counties should for convenience be included in one school district, the County Boards of Education of such Counties are hereby authorized and directed in joint conference to make such regulations as will enable such sections to be established into a separate school district. The provisions of this Section shall apply in all respects to the school districts of Marion County and Dillon County which have been cut by the lines separating said Counties.

Civ. '02, § 1209; 1896, XXII, 164; 1910, XXVI, 640.

§ 1751. School Bonds Exempt from Taxation.—All bonds hereafter issued or sold, or to be hereafter issued or sold, by the trustees of any school district or school districts pursuant to the vote of the majority of the qualified voters of such school district, or school districts, voting at an election heretofore or hereafter held for the erection of buildings, for equipment, for maintaining public schools in such district or districts, or for paying indebtedness of such district or districts, shall be exempt from all taxation for State, County, municipal or school purposes.

1908, XXV, 1051.

§ 1752. Appointment of School Trustees—Terms—Duties—Graded Schools—Districts of Five Thousand Inhabitants.—Each County Board of Education, on the first Tuesday of July, 1906, and on the first Tuesday in July every two years thereafter, shall appoint for each school district in their County three School Trustees, from the qualified electors and taxpayers residing in the district, who shall hold their office for two years, and until their successors are appointed and qualified, unless sooner removed by the County Board of Education. The County Board of Education shall have power to fill, from time to time, all vacancies in the Board of Trustees. The School Trustees shall meet as a Board as soon and as often as practicable, and after having been appointed and qualified, at such place as may be most convenient in the district. At their first meeting they shall organize by electing one of their number Chairman of the Board, who shall preside at the official meetings of the Board, and another Clerk of the Board, who shall record their proceedings in a book provided for that purpose. Each member of the Board of Trustees shall be duly notified of all meetings of the Board by the Clerk of the Board: *Provided*, That the foregoing provisions of this Section shall not apply to special and graded school districts created by special Acts; but that the Trustees and School Commissioners of all special and graded school districts shall remain the same in number, and shall be elected or appointed in the same manner, and shall hold the office for the same time as is provided for in the respective special Acts; except that in the special school districts where the Trustees, or their successors, are appointed by the State Superintendent of Education under the provisions of the special Acts, the Trustees shall hold office until the first Tuesday in July, 1906, on which day, and on the same day every two years thereafter, the Trustees shall be elected by the qualified electors of such school districts: *Provided*, That special school districts having a population of not less than five thousand inhabitants, and in which the Boards are not fixed by special or specific legislation may elect on the second Tuesday in January, 1904, or on the second Tuesday in January of any alternate year thereafter, nine Trustees, to constitute a Board in their respective districts: *Provided, further*, That three of the said Trustees, to be elected at said election, shall serve for a term of two years, three for a term of four years and three for a term of six years; the term of each Trustee to be determined by lot, in the presence of the County Board of Education; and on the second Tuesday of January every two years thereafter, three Trustees shall be elected to serve for a term of six years. The election of all Trustees for all such school districts shall be by ballot, and shall be conducted under the supervision of three qualified electors residing within the district, who shall be appointed by the County Board of Education, at least ten days prior to the holding of the election. The managers shall report the result of the election to the County Board of Education within ten days thereafter, which Board shall commission the Trustees so elected. The Board of Trustees of each special or graded school district shall elect from their number a Chairman, who shall preside at their meetings, and a Secretary or Secretary and Treasurer, who shall record the proceedings of the Board, and who shall keep a full and accurate account of all moneys received and expended, showing the source and disposition of each item, and who shall make a complete itemized report of the receipts and disbursements of each scholastic year to the County Superintendent of Education on or before the 15th day of July of each year. The books and vouchers of the Secretary and Treasurer shall be open at all times to inspection by the public: *Provided, further*, That upon the petition of one-third of the qualified electors of School District No. 13, in Abbeville County, filed with the County Superintendent of Education, on or before the first day of June in any year, when School Trustees are to be appointed, the County Board of Education shall order an election to elect the Trustees for School District No. 13 in the manner herein provided for in the election of Trustees of special school districts: *Provided, further*, That upon

the petition of one-third of the qualified electors of any school district in Chesterfield and Oconee Counties, except special and graded school districts, created by special Acts, filed with the Superintendent of Education of said County, on or before the 1st day of June in any year when School Trustees are to be appointed, the County Board of Education shall order an election to elect the Trustees for such school district in the manner herein provided for the election of Trustees of special school districts.

1903, XXIV, 64; 1904, XXIV, 528; 1906, XXV, 31.

§ 1753. Duty of Board of Trustees.—The Board of Trustees in each school district shall take the management and control of the local educational interests of the same, and shall visit each school district at least once in every school term, and shall be subject to the supervision and orders of the County Board of Education.¹⁴

Civ. '02, § 1211; 1896, XXII, 165.

§ 1754. Regular Session of Board of Trustees.—The Board of Trustees shall hold a regular session in their school districts at least two weeks before the commencement of any or every school term for the transaction of any and all business necessary to the prosperity of the schools, with power to adjoin from time to time and to hold special meetings at any time or place when called upon by the Chairman or any two members of the Board.

Civ. '02, § 1212; 1896, XXII, 165.

§ 1755. Power to Sell School Property.—The School Trustees of the several school districts are authorized and empowered to sell school property, real or personal, in their school districts whenever they deem it expedient to do so, and to apply the proceeds of sale or sales to the school fund of the district wherein such sale is made: *Provided*, That the consent of the County Board of Education be first obtained by the Trustees desiring to make such sale. That it shall be the duty of the said Board of Trustees, within thirty days after said sale, to enclose a report of the same to the County Board of Education, setting forth the terms and amount of said sale.

Civ. '02, § 1213; 1896, XXII, 165.

§ 1756. Transfer of Pupils—When and How Made.—When it shall so happen that persons are so situated as to be better accommodated at the school of an adjoining school district, whether special or otherwise, the Board of Trustees of the school district in which such persons reside may transfer such persons for education to the school district in which such school is located; and the Trustees of the school district where the school is located shall receive such persons into the school as though they reside within the district: *Provided*, That when such persons are transferred from one school district to an adjoining school district levying a special tax for school purposes, the Board of Trustees of the district in which the school is located may, in their discretion, charge an incidental fee not to exceed the additional amount that such person would pay if his or her property were located in the district: *Provided*, That children shall not be transferred from a school district in one county to a school district in an adjoining county without the consent of the Board of Education of the respective counties in which the transfer is made: *Provided, further*, That if any taxpayer pays taxes in two or more counties he shall have the right to send his children to the school of any one of said counties: *Provided*, No transfer shall be allowed from any school district in this State to another school district without the consent of a majority of the trustees of the district to which the transfer is sought to be made.¹⁵

Civ. '02, § 1214; 1896, XXII, 165; 1912, XXVII, 619.

¹⁴. Bryson v. Daniel, 52 S. C. 201, 29 S. E. 633; Young v. Trustees, 64 S. C. 131, 135, 41 S. E. 824.

¹⁵. For directions as to enrollment, see ante, § 1715.

§ 1757. Reports of Teachers—How and to Whom Made.—Each school teacher shall make out and file with the Clerk of the Board of Trustees, at the expiration of each school month, a full and complete report of the whole number of pupils admitted to the school during each month, distinguishing between male and female, the average attendance, the branches taught, the number of pupils engaged in studying each of said branches, and such statistics as he or she may be required to make by the County Board of Education: *Provided*, That whenever a teacher is unavoidably prevented from filing said report at the expiration of any school month, the Board of School Trustees may have authority to receive the report within a reasonable time thereafter, if, their opinion, the reasons for the delay are good and sufficient. On the filing of the teacher's report and its approval by the Board of Trustees, their clerk shall draw an order in duplicate on the County Treasurer for the amount due such teacher, which shall be signed by the Board, which order, if accompanied by a copy of said monthly report and approved by the County Superintendent of Education, shall be countersigned by him and the duplicate filed in his office.

Civ. '02, § 1215; 1896, XXII, 165.

§ 1758. Claims against Fund—How and by Whom Signed.—All claims, of every description whatsoever, which are chargeable against the fund raised for the support of the free public schools of the State, except such as are otherwise provided for by law, must be signed by at least a majority of the Board of Trustees of the school district against which the claims are chargeable; and the correctness and legality of the same shall be sworn to and subscribed by the person presenting such claim before it shall be approved by the person or persons authorized by law to give such approval. School Trustees and County Superintendents of Education shall, free of charge, administer oaths to persons presenting the claims contemplated by this Section.¹⁶

Civ. '02, § 1216; 1896, XXII, 165.

§ 1759. All School Warrants to Be Approved by County Superintendent of Education.—Any and all school warrants issued by any Board of School Trustees against any public school fund shall not be paid by the County Treasurer or other officer having the custody of such fund until the warrant has been approved by the County Superintendent of Education of the County in which said warrant is drawn.

1909, XXVI, 132.

§ 1760. Trustees Not to Receive Pay as Teachers.—It shall be unlawful for a School Trustee to receive pay as a teacher of a free public school.

Civ. '02, § 1217; 1896, XXII, 165.

§ 1761. Powers and Duties of School Trustees.—The Board of Trustees shall also have authority, and it shall be their duty:

1. **TO PROVIDE SCHOOL HOUSES.**—To provide suitable school houses in their districts, and to make the same comfortable, paying due regard to any school house already built or site procured, as well as to all other circumstances proper to be considered so as best to promote the educational interests of their district.¹⁷

2. **TO EMPLOY AND DISCHARGE TEACHERS.**—To employ teachers from those having certificates from their County Board of Examiners or from the State Board of Education, and fix their salaries, and to discharge the same when good and sufficient reasons for so doing present themselves, subject to the supervision of the County Board of Education.^{17a}

¹⁶. *Williams v. Hiers*, 51 S. C. 388, 29 S. E. 89, 90; *State v. Morton*, 51 S. C. 323, 28 S. E. 945.

¹⁷. The trustees of graded school run under General Free School Law of 1896 (22 Stat. 150) have no authority to charge pupils incidental fees,

either under §§ 1740, 1753, or this section. *Young v. Trustees*, 64 S. C. 131, 41 S. E. 824.

Location of school houses site by trustees. *Sligh v. Bowers*, 62 S. C. 409, 40 S. E. 885.

^{17a}. Construed in connection with § 1753 to mean "subject to the supervision and orders of the County Board of Education." *Bryson v. Daniel*, 52 S. C. 201, 29 S. E. 633.

QUALIFICATIONS OF TEACHER.—No general or special School Trustee shall hereafter employ any teacher who has not a certificate to teach in the free public schools of the State. This provision, however, not to affect the employment of any teacher now teaching in any of the schools of the special school districts: *Provided, further,* That the trustees of any such school shall always have the right and power to impose any additional examinations and qualifications they may deem proper before or after employing any teachers: *Provided, also,* That all funds of the free public schools of this State other than those arising from the special levy of special school districts shall be paid out of the County Treasury upon warrants duly vouched by the School Trustees of the respective schools or school districts or otherwise as provided by the laws governing any special school district.

3. **TO SUSPEND OR DISMISS PUPILS.**—To suspend or dismiss pupils when the best interest of the schools make it necessary.

4. **TO CALL MEETINGS FOR CONSULTATION.**—To call meetings of the qualified electors of the district for consultation in regard to the school interests thereof; at which meetings the Chairman or other member of the Board shall preside, if present.

5. **TO CONTROL SCHOOL PROPERTY.**—To take care of, manage and control the school property of the district.

6. **TO VISIT THE SCHOOLS.**—To visit the free public schools within their district from time to time, and to take care that they are conducted according to law and with the utmost efficiency.

7. **FERRIAGE OF TRUSTEES.**—They shall be allowed to cross all bridges or ferries free of charge when they are traveling on official business.

Civ. '02, § 1218; 1896, XXII, 165.

§ 1762. Fund for Public School Buildings.—The County Boards of Education of the various Counties of this State are authorized to annually set aside an amount equal to five per cent. of the entire public school funds of their respective Counties, which said amounts shall be used by the said County Boards of Education for the purpose of encouraging and aiding in the construction of adequate public school buildings in their respective Counties.

1905, XXIV, 905; 1910, XXVI, 628.

§ 1763. Additions to Funds.—When the friends, patrons or trustees of any public school in any school district in any County in this State shall raise by private subscription, special tax, regular tax, sale of old buildings, issuing bonds, or otherwise, funds for building a school house in such district, the County Board of Education of such County shall turn over to the trustees of such school, from funds set aside for such purpose hereunder fifty dollars (\$50) for each one hundred dollars (\$100) so raised by such friends, patrons or trustees for constructing such school building: *Provided,* No one school shall receive more than three hundred dollars under the provisions herein: *Provided,* That in case of the consolidation of two or more schools an additional bonus of fifty dollars may be granted: *Provided, further,* That no more than one school in any one district, in any one year, shall receive such aid.

1905, XXIV, 905; 1910, XXVI, 628.

§ 1764. Consolidated Districts to Have Preference.—County Boards of Education shall give the preference to School Districts which have combined and consolidated two or more school buildings.

1905, XXIV, 905.

§ 1765. Must Comply with Plans of the State Board of Education.—Any School District availing itself of the provisions herein shall comply with plans and specifications approved by the State Board of Education.

1905, XXIV, 905.

§ 1766. Approval of County Board Necessary.—No School shall receive aid under the provisions herein without the approval of the County Board of Education.

1905, XXIV, 905.

§ 1767. How Funds Paid Out.—The funds provided for herein above shall be paid out by the County Treasurer only upon the warrant of the County Board of Education, countersigned by the County Superintendent of Education, and any funds not used by the end of the year shall revert back to the general school fund of the respective Counties.

1905, XXIV, 905.

§ 1768. Tax Returns.—The County Auditor shall require each taxpayer to return the number and names of the school district in which he resides when he makes his tax return, and the Auditor shall state the name in a separate column in the tax duplicates.

Civ. '02, § 1219; 1896, XXII, 165.

§ 1769. Poll Tax, etc., to Be Reported.—The County Auditor, when he has completed the tax duplicates, shall report to the County Superintendent of Education, by school districts, the names listed for poll tax, and the amount of taxable property where there is a special levy.

Civ. '02, § 1220; 1896, XXII, 165.

§ 1770. Poll Tax Retained in the County.—The several County Treasurers shall retain the poll tax collected in their respective Counties; and it is hereby made the duty of the said Treasurer in collecting the poll tax to keep an account of the exact amount of said tax collected in each school district in his County, and the poll tax collected therein shall be expended for school purposes in the school district from which it was collected; and any violation of this Section by the County Treasurer shall constitute, and is hereby declared, a misdemeanor, and on conviction thereof the said County Treasurer shall pay a fine of not more than five hundred dollars, to be used for school purposes in the County suffering from such violation, or imprisonment, in the discretion of the Court.

Civ. '02, § 1221; 1896, XXII, 165.

§ 1771. County Treasurer to Report Who Have Paid Poll Tax.—Each County Treasurer, when he has finished the collection of taxes for his County, shall report to the County Superintendent of Education the names of the persons in the respective school districts who have paid their poll tax.

Civ. '02, § 1222; 1896, XXII, 165.

§ 1772. Treasurer to Make Monthly Reports to County Superintendent of Education.—It shall be the duty of each County Treasurer to report monthly, on the fifteenth day of each month, to the County Superintendent of Education of his County the amount of collections and disbursements made by him for the month on account of school tax and all other school funds; and it shall be a misdemeanor on the part of any County Treasurer to neglect, fail or refuse to make such report, and on conviction thereof he shall pay a fine of not more than five hundred dollars, the same to be used for school purposes in his County.

Civ. '02, § 1223; 1896, XXII, 165.

§ 1773. Moneys—How Disbursed.—All moneys disbursed by any County Treasurer on account of school funds, taxes or other school funds shall be paid on the order of the Board of School Trustees, countersigned by the County Superintendent of Education, or as otherwise directed by law.¹⁸

Civ. '02, § 1224; 1896, XXII, 165.

¹⁸. *Ex parte* Board of Commissioners Florence Graded School, *in re* McDuffie, School Commissioner, 43 S. C. 11, 20 S. E. 794.

§ 1774. County Treasurer to Make a Report to State Superintendent.—Each County Treasurer shall make out and forward to the State Superintendent of Education annually, on the first day of November, a certified statement showing (by school districts) the amount of poll tax and the amount of all other school taxes collected by him for the fiscal year ending on the 31st day of December next preceding; and should any County Treasurer fail or neglect or refuse to make and forward the statement as herein required, the State Superintendent of Education shall make a written complaint to the Circuit Solicitor for the County in which the said Treasurer resides, who shall prosecute the said County Treasurer for the same, and on conviction thereof he shall be subject to a fine not more than five hundred dollars, the same to be used for free public school purposes in his County.

Civ. '02, § 1225; 1896, XXII, 165.

§ 1775. Unexpended Balances to Be Carried Forward.—The County Treasurer shall carry forward all sums in his hands collected for any previous year or years for school purposes, and unexpended, to the next fiscal year, and credit the same to the school district respectively for which it was apportioned, and he shall report the same to the County Superintendent of Education.

Civ. '02, § 1226; 1896, XXII, 165.

§ 1776. Unlawful for Certain Officers to Discount Teachers' Pay Certificates.—It shall be unlawful for any County Treasurer, County Auditor, member of County Board of Education, or School Trustee, to buy, discount or share, directly or indirectly, or be in any way interested in any teacher's pay certificate or other order on school fund, except such as are payable to him for his own services, or for any school Trustee to make any contract, or be pecuniarily interested, directly, in any contract with any school district of which he is Trustee.¹⁹

Civ. '02, § 1227; 1900, XXIII, 366.

§ 1777. Trustees to Regulate the School Terms—Contracts of Trustees.—The County Board of Education shall regulate the opening and closing of the school terms so as best to promote and subserve the educational interest of the different sections of their Counties: *Provided*, That all contracts which Boards of Trustees may make in excess of the funds apportioned to their districts shall be void. And no teacher shall be employed by a Board of Trustees of any school district who is related to a member of the Board by consanguinity or affinity within the second degree, without the written approval of the Board of Education of the County, nor unless a majority of the parents or guardians of the children attending the school for which such teacher is employed requests such employment in writing.

Civ. '02, § 1228; 1900, XXIII, 366.

§ 1778. Age of Attendance.—It shall not be lawful for any person who is less than six or more than twenty-one years of age to attend any of the free public schools of this State.

Civ. '02, § 1229; 1896, XXII, 170.

§ 1779. State and County Boards and Trustees Exempted from Militia Duty.—The members of the State Board of Education appointed by the Governor, members of the County Boards of Education appointed by the State Board of Education and members of the Board of Trustees shall be exempt from militia duty.²⁰

Civ. '02, § 1230; 1896, XXII, 170; 1901, XXIII, 638.

¹⁹. See Criminal Code for penalty for violation of this provision.

²⁰. See Criminal Code for penalty for members of County Boards of Education and School

Trustees attempting to act after expiration of their term, or removal from office; and for teachers acting as agents for school books.

§ 1780. **Mixed Schools Unlawful.**—It shall be unlawful for pupils of one race to attend the schools provided by Boards of Trustees for persons of another race.²¹

Civ. '02, § 1231; 1896, XXII, 170.

§ 1781. **Scholastic Year.**—The scholastic year shall begin on the first day of July of each year and end on the thirtieth day of June following.

Civ. '02, § 1232; 1896, XXII, 170.

§ 1782. **Public Schools to Be Kept Open Three Months.**—The free public schools of the State shall be kept open and the exercises thereof continued, in each school district in the State, for a period of at least three months in each and every year.

Civ. '02, § 1233; 1899, XXIII, 112.

§ 1783. **Appropriation to Increase School Terms.**—Not less than the sum of sixty thousand dollars be appropriated annually for the purpose of increasing the average length of the free school term in this State in accordance with and by authority expressed in Section 6, Article XI, of the Constitution of 1895.

1910, XXVI, 791.

§ 1784. **Same.**—No more than one hundred dollars shall be appropriated to any one school in any one scholastic year, but no school now running for a period of one hundred days or more, or hereafter to run a period of one hundred days or more, out of funds accruing to said school from the regular school funds shall receive aid from this appropriation. And no school shall receive aid under authority of this Section unless the district in which said school is located does now or hereafter, shall first levy, in accordance with law, at least two mills special school tax.

1910, XXVI, 791.

§ 1785. **Same.**—Schools running less than one hundred days, as provided herein, may receive aid from this fund in amounts equal to the amounts raised by special taxation, not to exceed one hundred dollars for any one school.

1910, XXVI, 791.

§ 1786. **Same.**—Funds appropriated under the terms of this Section shall not become available in any school district except upon petition of the Board of Trustees of the school district asking aid, approved and countersigned by the County Superintendent of Education for the county in which the district is located.

1910, XXVI, 791.

§ 1787. **Same.**—The State Superintendent of Education may refuse aid under the provisions of this Section if it is made to appear to him that the expenditure would be unwise and detrimental to the interest of free school education in said district.

1910, XXVI, 791.

§ 1788. **Same.**—The State Superintendent of Education, with the State Board of Education, shall provide rules and regulations for the distribution of this fund, and shall advise such regulations to the various County Superintendents of Education, who, in turn, shall advise the various district trustees.

1910, XXVI, 791.

§ 1789. **Same.**—Applications must be filed in order of their receipt, and paid or refused in the same order.

1910, XXVI, 791.

§ 1790. **Annual Capitation Tax on Dogs.**—There shall be imposed and assessed on all dogs in this State a capitation tax of fifty cents annually on each dog, except in the county of Horry, where said capitation tax shall be one dol-

²¹ Flood v. News, etc., Co., 71 S. C. 112, 118, 50 S. E. 637, 4 Am. & Eng. Ann. Cas. 685.

lar, the proceeds of which, shall be expended for school purposes in the several school districts in which it is collected.²²

1909, XXVI, 88.

§ 1791. Printing.—The State Superintendent of Education may advertise for bids for all printing required under this Chapter, and shall let the same to the lowest bidder therefor, who shall be required to file with his bid a bond in double the amount of his bid for the faithful performance of the contract.

Civ. '02, § 1237; 1896, XXII, 172.

§ 1792. Acts Creating Special Graded School Districts Not Repealed—Annual Reports—Special Tax and Tuition.—Nothing contained in this Article shall be construed to repeal the Acts of the General Assembly creating special and graded school districts, and the provisions of said Acts shall apply to said school districts: *Provided*, That the Trustees of said school districts and Commissioners of the city schools of Charleston shall make annual reports to the State Superintendent of Education in such form and at such time as he shall prescribe: *Provided, further*, Whenever under the provisions of law any school district or municipal corporation is authorized to levy a special tax for the support of public schools therein, any person not a resident of said school district or municipal corporation shall be entitled to a credit upon fees for the tuition of his or her children by the amount of such special tax paid by such person.²³

Civ. '02, § 1238; 1899, XXII, 514.

§ 1793. Text-Books Provided at Cost—Funds—Depositories, etc.—The County Boards of Education of the several Counties of this State are hereby authorized and required to set aside from the public school funds of their respective Counties an amount, not exceeding five hundred dollars, for the purpose of providing the pupils attending the free public schools of their Counties with school text-books at actual cost or exchange prices. The amount so set aside from the school fund shall be paid to the County Superintendent of Education by the County Treasurer out of the unappropriated general school funds in his hands, on the warrant of the said County Board of Education, and shall be and remain a permanent fund in the hands of the County Superintendent of Education, to be used in purchasing and keeping on hand school text-books for sale to pupils attending the free public schools of his County for cash, at actual cost or exchange prices, and to be used for no other purpose and in no other manner; and the places where said school text-books are kept and sold shall be deemed depositories, under control of the State, as provided in the seventh article, or provision in the seventh article, or provision in the contract made in 1893 with the publishers of school text-books. That the County Superintendent of Education in every County in the State be, and is hereby, required to keep his office open each day of the week prior to the time appointed for school to open in his County, and for one week immediately thereafter, and for at least one day in each week during the remainder of the school term, for the convenience of those wishing to purchase books: *Provided*, That in the Counties of Charleston, Chesterfield, Edgefield, Kershaw, Lancaster, Laurens, Greenwood, Lexington, Richland, the County Boards of Education are hereby authorized and empowered, but not required, to carry out the provisions of this Section: *Provided, however*, That nothing herein shall prevent the keeping of said depository in some other place than the office of the Superintendent of Education, if in his judgment it is best to do so.²⁴

Civ. '02, § 1239; 1897, XXII, 428; 1898, XXII, 762; 1902, XXIII, 1020; 1903, XXIV, 64; 1905, XXIV, 837; 1907, XXV, 481; 1908, XXV, 1123.

²². For other provisions with reference to dog tax, see § 301, Civil Code.

²³. Rights of Special School Districts. *Holler v. Rock Hill School District et al.*, 60 S. C. 41, 38 S. E. 220; *Martin v. School District of Laurens*, 57 S. C. 125, 35 S. E. 517.

²⁴. Provision as to depositories does not signify that State Board of Education may not require agency performing larger function in distribution and sale of books which would also be in its nature and functions legal depository. *Duncan v. State Board*, 74 S. C. 560, 566, 54 S. E. 760, affirmed in 78 S. C. 227, 58 S. E. 1095.

§ 1794. School Trustees May Purchase Books for Certain Pupils.—

Whenever it shall be made to appear to the satisfaction of the Trustees of any school district that any patron of such school is unable by reason of poverty to purchase the necessary books for the use of his or her child or children, then in such case the Trustees of such school district may, in their discretion, purchase such necessary books for such pupils, and furnish the same to pupils under such regulations as the Trustees may prescribe: *Provided*, The sum so expended for the purchase of said books shall not exceed the sum of 5 per cent. of all the school fund of said district in any one year: *And Provided, further*, That the books so purchased shall be the property of such public school district and must be returned to the Board of Trustees at the end of each term.

1902, XXIII, 1020.

§ 1795. School Book Depositories.—The County Superintendents of Education in the several Counties of this State are hereby authorized and required to select and secure a reliable merchant, postmaster or other reliable person in each Township in each County, with whom there shall be deposited a sufficient number of school books for sale for schools in the Township, at not exceeding ten per cent. above first cost; and that accurate accounts thereof shall be kept by the said County Superintendent with each depository.²⁵

1905, XXIV, 877.

§ 1796. Fund for Free Library.—Whenever the patrons and friends of a free public school shall raise, by private subscription, and tender to the County Treasurer, with the approval and endorsement of the School Trustees of such school district, for the establishment of a library to be connected with the said school, the sum of ten dollars, the County Board of Education shall appropriate from the money belonging to the school district asking for the library, the sum of ten dollars for this purpose (together with ten dollars from the general County school fund) for a suitable book-case which shall be approved by the County Board of Education.

1904, XXIV, 391; 1905, XXIV, 877; 1908, XXV, 1024.

§ 1797. How Money to Be Paid.—As soon as the County Board of Education of any County shall have made an appropriation for a library in the manner prescribed, the County Superintendent shall inform the Secretary of the State Board of Education of the fact, whereupon the said State Board of Education shall remit the County Superintendent the sum of ten dollars for the purchase of books for said library. Upon the receipt of this money, the County Superintendent shall deposit the same with the County Treasurer and shall issue to the person or persons appointed to select the books, a warrant on the County Treasurer for the amount secured by private subscription, by appropriation from the County Board of Education, and by the State Board of Education.

1904, XXIV, 391; 1905, XXIV, 877.

§ 1798. Selection of Books.—The local Board of Trustees is hereby appointed to select the books and shall select such books as they may deem best suited for such purpose, and file with the County Superintendent of Education vouchers for the whole amount received: *Provided*, That no vouchers shall be valid except for books, book-cases, and transportation charges: *Provided, further*, That such purchases shall be from a list furnished by the State Board of Education, which the said State Board shall adopt "books for libraries" under the law and rules governing the adoption of text-books, and shall make rules for the governing of said libraries.

1904, XXIV, 391; 1905, XXIV, 877.

§ 1799. Preservation of Books.—The Trustees of every library shall

²⁵. *Duncan v. State Board*, 74 S. C. 560, 564, 54 S. E. 760, affirmed in 78 S. C. 227, 243, 58 S. E. 1095.

carry out such rules and regulations for the proper use and preservation of the books as may be enjoined by the State Board of Education, and shall make provisions for having all books, when not in circulation, kept under lock and key.

1904, XXIV, 391; 1905, XXIV, 877.

§ 1800. Exchange of Libraries.—The Trustees of two or more libraries may by agreement exchange libraries: *Provided*, That no exchange shall be made oftener than once in six months, and no part of the expense of exchanging libraries shall be borne by the public.

1904, XXIV, 391; 1905, XXIV, 877.

§ 1801. Appropriation.—That the sum of five thousand dollars be annually appropriated to be expended by the State Board of Education, under the provisions of Section 1796.

1904, XXIV, 391; 1905, XXIV, 877.

§ 1802. Number of Schools Entitled to Benefit.—Not more than twenty-five schools in any County shall be entitled to the benefits of Section 1796. The schools receiving this benefit shall be decided by the County Boards of Education: *Provided*, That the State Board of Education, after having set aside enough of this appropriation to meet the needs and demands of the schools, may use the balance to pay transportation, drayage and other necessary expenses in the circulation of any traveling libraries which may be donated or loaned to the State, and also for any traveling cabinets of museum specimens which may be furnished under similar terms: *Provided, further*, That any additional balance may be used for prizes for rural school improvement, under such terms and rules as the State Board of Education may arrange with the State School Improvement Association.

1904, XXIV, 391; 1905, XXIV, 877; 1908, XXV, 1024.

§ 1803. Enlargement of Libraries.—Whenever the patrons or friends of any free public school in which a library has been established under the provisions of the laws of this State, shall raise, by private subscription, and tender the Treasurer of the County School Fund, the sum of five dollars for the enlargement of the library, the County Board of Education shall appropriate from the money belonging to that school district the sum of five dollars, and the State Board of Education shall remit to the County Superintendent of Education the sum of five dollars. The money thus collected and appropriated shall be used for the enlargement of libraries already established, under the same rules and restrictions as govern the establishment of new libraries: *Provided*, No appropriation shall be made for the purpose of enlarging any established library where the same will prevent or interfere with the establishing of a new library.

1905, XXIV, 879.

§ 1804. Unlawful to Use Condemned Books.—In all schools and colleges within this State which are supported in whole or in part from the free school funds, it shall be unlawful to use any text-book which has been condemned or disapproved by the State Board of Education.

Civ. '02, § 1240; 1898, XXII, 763.

§ 1805. Old School Claims Paid.—All persons holding school claims against any County of this State which are unpaid are hereby permitted and allowed to prove and establish the same before the County Superintendent of Education, the County Treasurer and County Auditor of said County.

If said claims are declared valid and binding obligations by said County Superintendent of Education, Auditor and Treasurer against the school district for which they were issued, the County Treasurer of said County is hereby authorized and directed to pay any of said claims declared valid out of the first

money coming in his hands as Treasurer belonging to the school district against which said claim or claims are established.²⁶

Civ. '02, § 1241; 1894, XXI, 786; 1896, XXII, 122.

§ 1806. Officers Authorized to Borrow Money to Pay School Claims—Amount, Interest and Disbursement.—The County Treasurers, and the County Supervisors of the several Counties in this State be, and they are hereby, authorized and required upon the application of the County Boards of Education of the respective Counties to borrow, from time to time during any fiscal year, such sums of money as may be necessary to pay the school claims of such Counties, not to exceed seventy-five per cent. of the amount reported by the County Auditors for schools for said fiscal year, at a rate of interest not exceeding the rate of seven per centum per annum, and to pledge the taxes to be collected for that purpose for the payment of the money so borrowed and the interest thereon: *Provided*, That all money borrowed shall be held and paid out by the County Treasurer as school funds and without extra commission.

1902, XXIII, 1019.

§ 1807. Reserve Fund to Place Schools on Cash Basis.—In any County in this State where the schools have not funds sufficient to pay all claims in cash, the County Board of Education may, at its discretion, direct the County Superintendent of Education to set aside from the school funds of the County, or any of the school districts, an amount annually of not exceeding ten per cent. of such funds, for so many years as may be necessary to create a sufficient fund to put the schools of such County of any of the school districts on a cash basis.

1902, XXIII, 1019.

§ 1808. Reserve Fund—How Used and Maintained.—Whenever said reserve fund reaches an amount sufficient to put said County or school district, as the case may be, on a cash basis, then said fund may be used for said purpose: *Provided*, That in each year during the time necessary to create such reserve fund, the County Superintendent of Education shall use the fund accumulated as a loan, without interest, to pay claims held by teachers to whom the pay certificates were originally issued, the funds so used to be replaced annually from taxes collected for school purposes.

1902, XXIII, 1020.

§ 1809. Students of Public Schools to Observe Arbor Day.—The free public schools of this State shall observe the third Friday in November of each year as Arbor Day, and on that day the school officers and teachers shall conduct such exercises and engage in the planting of such shrubs, plants and trees as will impress on the minds of the pupils the proper value and appreciation to be placed on flowers, ornamental shrubbery and shade trees.

Civ. '02, § 1242; 1898, XXII, 760.

§ 1810. South Carolina Day to Be Observed.—The public schools of this State shall observe Calhoun's birthday, the 18th of March, of each year, as "South Carolina Day," and on that day the school officers and teachers shall conduct such exercises as will conduce to a more general knowledge and appreciation of the history, resources and possibilities of this State: *Provided*, That if said day shall fall on Saturday or Sunday, that the Friday nearest to March 18th shall be selected: *Provided, further*, That if any school shall not be in session on the said date, that the celebration may be held before the close of the term.

That the State Superintendent of Education shall suggest such topics or programmes as he may deem appropriate for the celebration of South Carolina Day.

1906, XXV, 22.

§ 1811. Officers and Trustees of Certain Institutions to Report to State Superintendent.—The Trustees, officers or persons in charge of all

²⁶. See Acts 1901, XXIII, 826, as to payment of claims in Clarendon, Laurens, Marion, Newberry and Sumter Counties.

literary, scientific or professional institutions of learning incorporated, supported or aided by the State, of all schools or private educational institutions, shall, on or before the fifteenth day of July in each year, make a report in writing to the State Superintendent of Education, of such statistics as the Superintendent shall prescribe relating to the number of pupils and instructors, courses of study, cost of tuition and the general condition of the institution or school under their charge.

BLANK FORMS OF INQUIRY.—The Superintendent shall prepare blank forms of inquiry for such statistics, and shall send the same to every such institution or school on or before the 10th day of May in each year; and so much of said information as he may deem proper be incorporated in his annual report.

Civ. '02, § 1243; 1896, XXII, 172.

§ 1812. County Superintendents of Education Charged with Schools, etc., Outside City of Charleston, Allowed Mileage.—The County Superintendent of Education of Charleston County shall have jurisdiction only over the schools and other educational interests outside of the corporate limits of the City of Charleston. He shall organize in all those districts outside of the city, formerly known as parishes, a suitable number of schools, and shall visit them as often as may be practicable during each year, and perform such other duties as are prescribed for County Superintendent of Education in this Chapter. He shall be paid a stated salary of twelve hundred dollars per annum, payable by the County Treasurer in equal monthly installments, which salary shall cover also all traveling expenses that may be incurred.

Civ. '02, § 1244; G. S. 1025; R. S. 1090; 1878, XVI, 584; 1879, XVII, 62; 1891, XX, 1268.

§ 1813. Division of City of Charleston into Six School Districts—School Board—How Constituted.—The City of Charleston is hereby divided into six school districts; the First District to comprise Wards One (1) and Two (2), the Second District to comprise Wards Three (3) and Four (4), the Third District to comprise Wards Five (5) and Six (6), the Fourth District to comprise Wards Seven (7) and Eight (8), the Fifth District to comprise Wards Nine (9) and Ten (10), the Sixth District to comprise Wards Eleven (11) and Twelve (12) of said city. At every general municipal election in the City of Charleston there shall be elected by the legal voters of each of the said school districts respectively one School Commissioner, and the six School Commissioners so elected, together with the two School Commissioners to be appointed for the same term by the Governor, upon the recommendation of the Board of Trustees of the High School of Charleston, and two School Commissioners to be appointed for the same term by the Governor, upon the recommendation of the Board of Trustees of the College of Charleston, shall constitute the School Board for the City of Charleston, and shall be invested with all the powers and perform all the duties, and in every respect be governed by the laws now existing respecting the School Board of the City of Charleston as heretofore constituted.

The Commissioners so elected and appointed may assemble at any time and elect a Chairman, a Clerk and a Superintendent of City Schools, whose term of office, duties and compensation shall be prescribed by said Board; but their terms of office shall not exceed that of the Board electing them.

Civ. '02, § 1245; G. S. 1026; R. S. 1091; 1882, XVII, 27, § 1; 1883, XVIII, 301.

§ 1814. Powers and Duties of School Board of City of Charleston.—The said Board shall have the following powers and duties: (1) To discharge the same duties in the city which are required of School Trustees in the Counties; (2) to determine the studies and textbooks to be used in the city schools; (3) to cause examinations to be made of teachers for the city schools; (4) to elect and dismiss teachers, prescribe their duties and term of office, and to make rules for the government of the schools; (5) to fill vacancies occurring in the Board by death, resignation, departure from the State or refusal to qualify; the said

vacancies to be filled from the same wards in which they occur; (6) to grant diplomas in the normal school department, which shall entitle the parties holding the same to become teachers in the public schools; (7) to make an annual report to the Superintendent of Education as to the city schools, as is required of Commissioners of County Schools; (8) to take in charge and keep in order all buildings and other property belonging to or used for the city; (9) for the purposes of this Section, and in order to carry into effect the provisions of the Constitution relating to the school tax, the City of Charleston shall be deemed a school district, and the City Treasurer shall annually levy and collect, at the same time as the city taxes, a tax of two mills on the dollar on all the taxable property in the said city, and the County Treasurer shall pay over to the City Treasurer the portion of the constitutional school tax and of the poll tax to which the Charleston School District is entitled; and all the said taxes shall be in the city treasury as public money, protected by the official bond of the City Treasurer, and shall be paid out on the warrant of the City Board of School Commissioners; the said amount to be applied to the support of the city schools, and the balance to the repairs of city school buildings. The City Treasurer shall receive out of this fund annually, for his compensation for all services in receiving and disbursing the school fund, the sum of five hundred dollars.

Civ. '02, § 1246; G. S. 1026; R. S. 1092; 1878, XVI, 585; 1892, XXI, 110; 1908, XXV, 1042.

§ 1815. Provision for the Higher Education of Meritorious Boys—Power and Duty of Board.—It shall be the duty of the said School Board, and they are hereby authorized and empowered, to select from the public schools, the school of the German Association of Charleston, South Carolina, and the Central School, by competitive examination, such meritorious boys as may desire to secure the privilege of a more liberal education and are otherwise unable to secure the same, and recommend them to be received into the High School of Charleston, under such rules and regulations as may be prescribed by the said Board of Trustees of the High School of Charleston. And the said School Board is further authorized and empowered to pay the regular annual tuition fees, and no more, for such pupils so recommended as may be received into said High School and maintain such a standard as is required of them, which said tuition fees shall be paid out of the fund to which the Charleston School District is entitled out of the amount raised by the City of Charleston, and not out of the Constitutional two mill tax.

Such pupils so admitted into the High School of Charleston as shall, upon graduation, be recommended by the School Board of the City of Charleston for proficiency therein, shall be entitled to the free honorary scholarships in the College of Charleston provided for such purpose by the Board of Trustees of the College of Charleston, such scholarships to be held under the rules and regulations prescribed by the Trustees of the College of Charleston.

Civ. '02, § 1247; R. S. 1093; 1882, XVIII, 27, §§ 2, 3.

§ 1816. Board to Appoint Beneficiaries in State University.—For the further promotion of the liberal education of the youth of the State, the said School Board is hereby authorized and empowered to appoint the beneficiaries of the scholarships to which the County of Charleston may be entitled in either branch of the State University.²⁷

Civ. '02, § 1248; 1882, XVIII, 27, § 4.

§ 1817. Power to Establish Public School Teachers' Retirement Fund for City of Charleston.—The City Board of Public School Commissioners for the City of Charleston shall have the power to establish what shall be known as the Public School Teachers' Retirement Fund, which fund shall

²⁷. See ante, § 1761, as to restrictions on power of School Trustees in the employment of teachers.

be administered by the Board of Trustees hereinafter provided for. Said fund shall consist of:

1. All moneys and other property received from donations, legacies, devises, gifts, bequests or otherwise for and on account of the said fund.

2. On and after April 1st, 1898, the said City Board of School Commissioners shall annually reserve and turn over to the Board of Trustees as provided for in Section 1818, for the said fund, ten per cent. for the first five years and thereafter four per cent. of the gross income of the special school fund paid by the City of Charleston.

3. All interest or income derived from the above moneys.

Civ. '02, § 1249; 1898, XXII, 875.

§ 1818. Board of Trustees for Fund—Of Whom to Consist—Duties, etc.—The Chairman of the City Board of Public School Commissioners, together with two other commissioners chosen by the said Board, the Superintendent of the Public Schools, who shall be *ex officio* the Treasurer of the said Board, and a representative to be elected every four years by the teachers of the public schools of the City of Charleston, at the same time the School Commissioners are elected, shall form a Board of Trustees, who shall have charge of and administer the said fund; and said Board of Trustees shall invest the same in stock of this State, or of the United States, or in bonds of the City of Charleston, and shall make payment, from said fund, of annuities granted in pursuance of this Article, and shall from time to time make and establish such rules and regulations for the administration of the said funds as they shall deem best.

Civ. '02, § 1250; 1898, XXII, 875.

§ 1819. What Teachers May Become Beneficiaries of Fund.—Every teacher in the public schools of the City of Charleston who is over the age of sixty-five years, and shall have taught in the public schools for the period of twenty-five years next preceding the time of retirement may be retired, and shall have the right voluntarily to retire, from such service, and upon the certificate of the City Board of School Commissioners that he or she stands in need of maintenance, become a beneficiary under this Article; and every such teacher so retired or retiring shall be entitled to an annuity for the remainder of his or her life, to be paid by the said Board of Trustees out of the said fund equal to one-half of the salary of such teacher at the time of such retirement, at the same times and in the same proportions as the salaries of the teachers are paid: *Provided*, That the annuity so paid shall in no case exceed two hundred and fifty dollars in any one year.

Civ. '02, § 1251; 1898, XXII, 875.

§ 1820. Same.—Every teacher in the public schools in the City of Charleston who shall have taught continuously therein not less than twenty years, and has become, without the fault of such teacher, mentally or physically incapacitated for such service, may retire or be retired therefrom and become a beneficiary of said fund in the same manner and to the same extent as provided in Section 1819: *Provided*, That such annuity shall cease when such incapacity ceases.

Civ. '02, § 1252; 1898, XXII, 875.

§ 1821. If Fund Insufficient for Purpose, to Be Paid Out Pro Rata.—In case the fund shall be insufficient to pay the annuities provided for in Section 1819, the Board of Trustees shall make a ratable distribution among the teachers who may be entitled to the annuities under the provisions of this Article.

Civ. '02, § 1253; 1898, XXII, 875.

§ 1822. Disposition of Surplus School Funds in Charleston County.—The surplus of all moneys derived from the annual tax of three mills for educational purposes remaining after supplying the requirements of the schools of the County of Charleston, outside of the limits of the City of Charleston, shall

be paid by the County Treasurer to the City Board of School Commissioners for the purposes of the schools under their charge.

Civ. '02, § 1254; 1898, XXII, 877.

§ 1823. How Surplus to Be Ascertained.—In order to ascertain what are the requirements in each fiscal year, respectively, of each of the school districts in said County outside of the City of Charleston, one or more of the School Trustees of each of such school districts separately shall meet and confer with the County Board of Education of said County annually (at such place and time as the County Superintendent of Education of said County shall name), ten days' previous notice of such meeting being given in writing by said County Superintendent of Education to each of said Trustees, and such Trustee or Trustees and such County Board of Education shall sit as a special Board to fix the amount of such requirements of each of such school districts. And when the amount of such requirements of each of such school districts shall have been fixed as hereinbefore provided, the County Superintendent of Education of said County shall report to the County Treasurer of said County such amounts, respectively, and separately, whereupon the County Treasurer shall aggregate the amounts so reported to him and ascertain the surplus (if any) remaining from the proceeds of the levy for school purposes after deducting such aggregate.

AMOUNT OF SURPLUS TO BE REPORTED TO CITY BOARD OF SCHOOL COMMISSIONERS.—Having thus ascertained the amount of said surplus, the County Treasurer shall, as soon as practicable, report said amount to the City Board of School Commissioners, and shall pay over the same to said Board upon its warrant.

Civ. '02, § 1255; 1898, XXII, 877.

§ 1824. How Said Funds Are to Be Used.—The said City Board of School Commissioners shall use said funds exclusively in the education of pupils, and shall account annually therefor in the mode provided by law.

Civ. '02, § 1256; 1898, XXII, 877.

§ 1825. High Schools May Be Established.—It shall be lawful for any common school district which does not contain an incorporated town or city of more than twenty-five hundred inhabitants, or for any County, or for any Township, or aggregation of adjoining Townships, or aggregation of adjoining school districts, in which there is no incorporated town or city of more than twenty-five hundred inhabitants, within the State, to establish a high school in the manner and with the privileges herein given.

' 1907, XXV, 518; 1908, XXV, 1119; 1909, XXVI, 86; 1910, XXVI, 743.

§ 1826. Election to Be Held—Board of Trustees to Be Appointed.—Any high school territorial unit mentioned in Section 1825 may establish a high school by an election to be held in said proposed high school district upon the question of establishing the same; said election to be ordered upon the written petition of at least one-third of the freeholders within the territory, addressed to the County Board of Education; said election to be conducted in all other respects, including the requirements of those who are allowed to vote therein, as elections are now conducted under Section 1742 of the Civil Code of 1912, in reference to special levies for school purposes. If the majority of the votes cast in each school district shall be "For High Schools" and not "Against High Schools," the high school shall be established and become a body corporate, under the name and style of High School District No. of County (the State Board to insert the number in order of its establishment in the particular County, and also the name of the proper County). If a single school district establish a high school, the Board of Trustees of that school district shall be the High School Board of Trustees. If any two or more common school districts have heretofore established or shall hereafter establish a high school district, the Board of Trustees of that common school district in which the

high school building is located, together with the chairman or chairmen of the other common school district or districts embraced in said high school district, shall constitute the Board of Trustees of said high school district. If any special school district created by and operating under a special Act of the General Assembly of South Carolina, and one or more common school districts have heretofore established on shall hereafter establish a high school district, the Board of Trustees of such special school district shall constitute the Board of Trustees of said high school district.

1907, XXV, 519; 1908, XXV, 1118; 1909, XXVI, 86; 1910, XXVI, 743.

§ 1827. High School District May Vote a Tax.—The qualified electors and freeholders in any territory proposing to become a high school district, or any high school district heretofore established, shall be authorized to vote a high school tax, not exceeding two mills, by the same rules and under the same terms as special taxes are now voted under Section 1742 of this Code: *Provided*, That any common school district within any high school territorial unit may vote itself out of the high school unit in the same manner as prescribed for its entrance into the high school unit: *Provided*, That any territorial high school unit which has heretofore voted for the establishment of a high school therein shall, upon compliance with the provisions herein, be entitled to the provisions and benefits thereof.²⁸

1908, XXV, 1118.

§ 1828. Any High School Already Established May Claim Privilege of This Act.—Any public high school already established, or any number of high school grades in a public school already established—provided it shall be organized and adopted as a high school by special election as prescribed in Section 1826 of this Act—in any high school territory, above described, may claim the privilege hereof: *Provided*, It conforms to the provisions thereof: *Provided, further*, That nothing herein shall be construed as a repeal of any of the privileges granted them in the special Act of the General Assembly.

1907, XXV, 520.

§ 1829. Classification of High Schools.—A high school maintaining a four years' course of study beyond the branches of learning prescribed to be taught in the common schools of the State, and embracing not fewer than seven grades or school years, shall be known as a four-year high school; a high school maintaining a three years' course beyond the common school course, shall be known as a three-year high school; and one maintaining a two years' course beyond the common school course, shall be known as a two-year high school: *Provided*, That any and all high schools established under authority of this Act, shall include in the course of study instruction in manual training, especially in respect to agriculture and domestic science.

1907, XXV, 520.

§ 1830. Who Shall Classify.—The State High School Board shall provide for the inspection and classification of high schools. In doing this, it may invite the assistance of such members of the Universities and Colleges of the State, as they may select, and their actual expenses shall be paid out of the fund hereafter appropriated from year to year, while actually engaged in the duties devolving upon them.

1907, XXV, 520; 1908, XXV, 1119; 1909, XXV, 86.

§ 1831. State High School Board—Rules for Apportionment of Funds.—The State Board of Education, as now constituted, shall constitute the State High School Board, with full authority to prescribe all such regulations as may not be inconsistent with this Chapter. The State High School Board shall provide rules for the apportionment and disbursement of the State

²⁸. *Welch v. Getzen*, 85 S. C. 156, 164, 67 S. E. 294.

aid to the high schools, giving due recognition to the number of years of the high school work, to the number of the courses of study offered, to the enrollment of pupils, the amount of industrial or commercial training given, and to such other matters of local merit as may appear to the Board proper after a careful examination of each high school: *Provided*, That not more than \$500 may be given to a two-year high school, nor more than \$600 may be given to a three-year high school, nor more than \$700 may be given to a four-year high school: *Provided, further*, That an additional \$100 may be given to a Township high school or to a high school embracing as many as six common school districts: *Provided, further*, That the Board may give additional aid for industrial and commercial courses: *Provided, further*, That the Board may give to any high school levying a special high school tax of not less than one mill, twenty-five dollars for each and every common school district composing that high school unit: *Provided, further*, That no high school shall receive aid unless it has at least twenty-five high school pupils and two teachers in the high school department: *Provided, further*, That the Board may give aid to a rural high school or a village high school with but fifteen high school pupils and one high school teacher; such village to contain not exceeding four hundred inhabitants: *Provided, further*, That no aid shall be given any high school unless the district or districts composing the high school territory are levying or shall levy as much as two mills special school tax, which may be levied as either a common school or a high school tax: *Provided*, That no County shall receive more than five per cent. of the annual appropriation provided for under this Act.

1907, XXV, 520.

§ 1832. How Funds Shall Be Paid Out.—The funds raised in the various Counties by taxation, subscription, or otherwise, for high school purposes shall be placed in the County treasury, together with any appropriation received from the State Board of Education and shall be paid out only upon the order of the Board of High School Trustees, duly approved by the County Superintendent of Education. Both the Treasurer and the County Superintendent of Education shall keep accurate accounts of this fund, as is provided for other public school funds.

1907, XXV, 520.

§ 1833. Each District May Receive Gifts—May Issue Bonds—Elections.—Each of the High School Districts so established is hereby authorized to receive and use gifts, transfers, bequests or devises of property for corporate purposes, whether they be otherwise conditional, or whether absolute in their terms; and also to issue coupon bonds within the constitutional limit, and to dispose of the same to raise money for the purpose of purchasing sites and the erection of buildings thereon, or for the purpose of purchasing improved property, suitable for school, or dormitory, or mess hall purposes: *Provided*, That the question of amount of issue, and the rate of interest, and the time or times of payment of the principal shall first be submitted to the qualified electors within the said high school district, at an election to be held in the same manner as elections for special levies for school district purposes are now required to be submitted under Section 1742 of this Code: *Provided*, That a petition for such election be first addressed to the Board of Trustees of said School District, signed by a majority of the freeholders therein: *And Provided, further*, That an annual interest on said issue shall not exceed six per cent., and that the sale shall not be for less than par, and accrued interest.²⁹

1907, XXV, 520.

§ 1834. Sixty Thousand Dollars Appropriated for High Schools.—The sum of sixty thousand dollars (\$60,000) or so much thereof as may be

²⁹. Where several common school districts unite in forming high school district, limit of bonded debt of high school district falls under Article X, Section 5, of Constitution, and is fifteen per cent

of total taxable value of property in district, including obligations of common school district. *Welch v. Getzen*, 85 S. C. 156, 164, 67 S. E. 294.

necessary, for each of the school years, beginning July 1, 1907, be, and the same is hereby, appropriated to carry out the provisions in regard to high schools, and the Comptroller-General is hereby authorized to draw warrants upon the State Treasurer for such amounts, upon the order of the State Board of Education, duly signed by the Governor, as chairman, and the State Superintendent of Education, as secretary: *Provided*, That every high school receiving aid under this Chapter shall enroll any high school pupil in the County where the school is located free of tuition: *Provided, further*, That nothing in this Chapter shall be construed to mean that pupils of different races shall attend the same schools.

1907, XXV, 520; 1908, XXV, 1120; 1909, XXV, 87.

§ 1835. Limit of Time as to High Schools.—This Act shall in no wise interfere with the high schools already established until July 1, 1911, when all aid to high schools not coming within the provisions of the High School Act of 1908 shall be withdrawn.

1908, XXV, 1120; 1909, XXV, 88.

§ 1835a. Term of Office of County Superintendent to Begin July 1—Provisos.—The term of office of the County Superintendents of Education shall hereafter begin July 1st after each general election: *Provided*, That the terms of office of County Superintendents now in office be extended to July 1st, 1913, or July 1st, 1915, respectively, as said terms may be two years or four years: *Provided*, The salary of the retiring County Superintendents of Education for the month of June shall not be paid by the County Supervisor, except upon the presentation of certificate from the State Superintendent certifying that the annual report of said County Superintendent for the scholastic year ending June 30th has been filed and accepted in the office of State Superintendent: *Provided*, That this Act shall not apply to the counties of Sumter, Lexington, Abbeville, Georgetown, Chester, Bamberg, Fairfield, Laurens, Berkeley, Orangeburg, Richland and York: *And provided, further*, That the term of office of the County School Superintendents of Union, Edgefield and Calhoun Counties be four (4) years and begin July 1, 1913, after the passage of this Act hereby repealing all conflicting Acts: *Provided*, That this Act shall not affect the County of Chesterfield: *Provided*, This Act shall not apply to Beaufort County: *Provided*, That the County of Abbeville be exempted from the provisions of this Act: *Provided*, That this Act shall not apply to Greenville county: *Provided*, That this Act shall not apply to Anderson county: *Provided*, That the provisions of this Act shall not apply to Horry: *Provided*, That the provisions of this Act shall not apply to Saluda County.

1912, XXVII, 683.

§ 1835b. Annual Appropriation to Be Made for Rural Schools.—Not less than fifteen thousand dollars shall be appropriated annually for the purpose of assisting rural school districts in the establishment, maintenance, and improvement of rural graded schools under the conditions and provisions of the following sections of this Act: *Provided*, That the amount hereby appropriated shall be expended from the sum appropriated under the terms of Term Extension Act of 1910, Act No. 431, page 791.

1912, XXVII, 924.

§ 1835c. Certain Requirements for School to Be Entitled to Share in \$200 Appropriation.—When any rural district in South Carolina shall levy and collect a special school tax of not less than four (4) mills, and when a school in such district employs two certificated teachers for a school term of not less than six months, and when such school has an enrollment of not fewer than fifty pupils and an average daily attendance for the session of not fewer than thirty pupils, and when such school is taught in a comfortable and sanitary building provided with the minimum equipment prescribed by the State Board of Education, and

when it uses a course of study and classification approved by the State Board of Education, it shall be entitled to receive State aid under this Act to the amount of \$200 per year.

1912, XXVII, 924.

§ 1835d. Requirements for \$300 Appropriation.—When any rural school district in South Carolina shall levy and collect a special school tax of not less than four (4) mills, and when such school employs three or more certificated teachers for a school term of not less than seven months, and when such school has an annual enrollment of not fewer than seventy-five pupils and an average daily attendance for the session of not fewer than forty pupils, and when such school is taught in a comfortable and sanitary building provided with the minimum equipment prescribed by the State Board of Education, and when it uses a course of study and classification approved by the State Board of Education, it shall be entitled to receive State aid under this Act to the amount of \$300 per year.

1912, XXVII, 924.

§ 1835e. Districts Prohibited.—No district which receives State aid under the provisions of the High School Act or of the Term Extension Act shall receive aid under the provisions of this Act. No district which contains an incorporated town with more than three hundred inhabitants shall receive aid under the provisions of this Act.

1912, XXVII, 924.

§ 1835f. May Convey Children to School.—It shall be lawful for the School Trustees of a district to use the State aid obtained under the provisions of this Act to furnish public conveyance of children to the school when in the opinion of the trustees and the County Superintendent such action is wise and expedient.

1912, XXVII, 924.

§ 1835g. State Superintendent of Education May Refuse Aid.—The State Superintendent of Education may refuse aid under the provisions of this Act if it is made to appear to him that the expenditure would be unwise and detrimental to the interest of free school education in said district.

1912, XXVII, 924.

§ 1835h. Rules and Regulations for Distribution of Funds.—The State Superintendent of Education, with the State Board of Education, shall provide rules and regulations for the distribution of this fund, and shall publish such regulations to the various County Superintendents of Education, who, in turn, shall publish them to the various district trustees.

1912, XXVII, 924.

§ 1835i. Applications.—Applications must be filed in order of their receipt, and paid or refused in the same order.

1912, XXVII, 924.

§ 1835j. Balance of State Dispensary Fund to Be Distributed among Counties.—The State Superintendent of Education, the State Treasurer and the Comptroller General are hereby authorized and directed to apportion, among the several counties of the State, the total cash balance of the State Dispensary Fund now remaining in the State Treasury and not otherwise appropriated. This apportionment shall be made on the basis of enrollment in the free public schools as given in the annual report of the State Superintendent of Education for the scholastic year ending June 30, 1911.

1912, XXVII, 1077.

§ 1835k. How Paid Out.—All moneys apportioned to the respective counties shall be paid to the County Treasurer, upon the warrant of the Comptroller General, to be held in the county treasury as school funds and paid out upon the

warrant of school district trustees, in the discretion of the County Board of Education, as provided in Section 18351.

1912, XXVII, 1077.

§ 18351. **How Used.**—The County Boards of Education of the respective counties are authorized and directed to use this fund in strengthening weak schools, in encouraging school improvement and in promoting the educational interest of their counties in such manner and at such time as they may deem most helpful to the cause of education, under the general direction of the State Superintendent of Education. This fund shall be a County Board Fund, and the time, place and manner of its distribution shall be determined by the several County Boards of Education by and with the approval, in writing, of the State Superintendent of Education: *Provided*, That no more than one-fourth of the amount apportioned to a county shall be expended in any one year, except in counties where it shall be used to defray past indebtedness due by the school fund, in which counties the whole amounts may be used in any one year.

1912, XXVII, 1077.

§ 1835m. **Apportionment and Expenditure.**—Any and all additional funds that may hereafter be paid into the State Treasury by the Winding Up Commission of the State Dispensary shall be apportioned within thirty days from the date of such payment in the same manner, and shall be expended as provided in Section 18351 of this Act.

1912, XXVII, 1077.

CHAPTER XXV.

Colleges and Universities.

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ARTICLE 1.

STATE COLLEGES AND UNIVERSITIES.

SEC.

1836. State colleges and universities.

1837. Degree of Licentiate of Instruction.

1838. Greek letter fraternities prohibited in State institutions.

1839. State colleges shall suspend exercises for ten days at Christmas.

1840. Naval or military appointment relieves beneficiary of duty to teach in public schools.

SEC.

1841. Institutions receiving support from State to report names of beneficiary students, etc.

1842. Auditors to keep and file affidavits of inability to pay tuition.

1843. State flag to be displayed on certain buildings.

1844. Expense of flags.

1845. Clemson College to make and sell flags.

§ 1836. **State Colleges and Universities.**—There shall be universities and colleges as follows: One located in the City of Columbia, styled The University of South Carolina; another in or near the town of Orangeburg, styled the Colored Normal, Agricultural and Mechanical College of South Carolina; another known as the Winthrop Normal and Industrial College of South Caro-

lina; and another styled The Citadel, The Military College of South Carolina. They shall be separate and distinct institutions, each under its separate Board of Trustees or Visitors.

1906, XXV, 16.

§ 1837. Degree of Licentiate of Instruction.—The universities and colleges of this State may provide a course of study, to be approved by the State Board of Education, the completion of which by a student will entitle him or her to the degree of Licentiate of Instruction, and they may issue a diploma showing the degree has been conferred, and the holder of such diploma, upon its presentation to a County Board of Education, shall be entitled to a first grade teachers' County certificate to teach in the public schools of the County.

Civ. '02, § 1258; 1898, XXII, 764.

§ 1838. Greek Letter Fraternities Prohibited in State Institutions.—The governing Boards of all institutions of higher learning in South Carolina supported in whole or in part by public funds are required to forbid and disallow in their respective institutions secret Greek letter fraternities or all organizations of a similar nature: *Provided*, Nothing herein contained shall interfere with the literary societies in such institutions.

Civ. '02, § 1259; 1897, XXII, 508.

§ 1839. State Colleges Shall Suspend Exercises for Ten Days at Christmas.—All State colleges and universities shall suspend exercises for a period of not exceeding ten days, including the time required for going from and returning to said colleges, said period to include Christmas Day and New Year's Day.

1906, XXV, 42.

§ 1840. Naval or Military Appointment Relieves Beneficiary of Duty to Teach in Public Schools.—After approval of this Act any beneficiary student who is in actual attendance, or may have graduated from any State college or institution of learning, and may thereby be obliged to teach for a term of years in the common or other schools of the State, for any and all moneys expended in his education by the State, shall be released and absolved from such obligations by receiving an appointment to the Naval or Military Academy of the United States, or to a position in the army or navy, or other government service of the United States, or by becoming a regularly ordained or licensed minister of the gospel.

1909, XXVI, 150; 1912, XXVII, 590.

§ 1841. Institutions Receiving Support from State to Report Names of Beneficiary Students, etc.—The authorities of all colleges or institutions of learning supported in whole or in part by the State, shall report to the General Assembly at its annual meeting the names of all students, with the post-office address of each, and whether such students are pay, beneficiary or scholarship students.

1906, XXV, 110.

§ 1842. Auditors to Keep and File Affidavits of Inability to Pay Tuition.—The Auditors of the several Counties of this State are required to keep a record and file of all affidavits made before them, as now required by law, of inability on the part of parent, guardian or trustee to pay tuition.

1906, XXV, 110.

§ 1843. State Flag to Be Displayed on Certain Buildings.—The State flag shall be displayed daily, except in rainy weather, from a staff upon the State House, and every courthouse, one building of the State University and of each State college, and upon every public school building, except when the school is closed during vacation.

1910, XXVI, 753.

§ 1844. **Expense of Flags.**—It shall be the duty of the officer or officers in charge of said buildings to purchase suitable flags and cause them to be displayed, the expense to be borne out of the funds provided for maintenance.

1910, XXVI, 753.

§ 1845. **Clemson College to Make and Sell Flags.**—It shall be the duty of Clemson College to manufacture in its textile department and sell at approximate cost flags of suitable sizes and of correct design, which shall consist of blue with white crescent in the upper flagstaff corner, and white palmetto tree in the centre, as prescribed in the Resolution adopted by the General Assembly, January 28, 1861, to be approved by the Secretary of the Historical Commission.¹

1910, XXVI, 753.

ARTICLE 2.

THE UNIVERSITY OF SOUTH CAROLINA.

SEC.

1846. Trustees of University of South Carolina—Terms of office—Compensation.

1847. Incorporation and corporate powers.

1848. Meetings of Board — President — Quorum.

1849. Powers of Board at meetings.

1850. Property vested in University — Proviso as to the sale of.

1851. Board to receive and invest funds offered to found scholarships.

1852. Power of Board to procure evidence.

SEC.

1853. Election of President — Faculty—Powers.

1854. President must not be an atheist or infidel—Chaplain, etc.

1855. Appointment of Librarian—Duties —Assignment of Professors to other duties.

1856. Tuition fees and beneficiary scholarships—Regulations as to.

1857. College may confer degrees.

1858. Discretionary powers of Board.

1859. Normal students and women students.

1860. Corporation empowered to accept money.

§ 1846. **Trustees of University of South Carolina—Terms of Office—Compensation.**—The Board of Trustees of The University of South Carolina shall be composed of the Governor of the State, the Superintendent of Education and the Chairman of the Committees on Education of the Senate and House of Representatives, who shall be members *ex officio* of said Board, and seven other members, each to be elected by the joint vote of the General Assembly, as hereinafter provided.

The regular terms of office of the elective members of each of the aforesaid Board of Trustees of The University of South Carolina shall be six years, after the first election, in which the terms of office of those elected therein shall be two for two years, two for four years, and three for six years, on said Board, these terms to be determined by lot after said elections.

The terms of the elected members of said Board shall date from the first day of February, A. D. 1900; and the General Assembly shall hold elections every two years to fill vacancies as they occur in any of said Boards by the expiration of terms of office. In all cases where there is a vacancy in any of said Boards of Trustees, the Governor shall be empowered to fill same by appointment until the next session of the General Assembly.

Each member of the Board shall receive as compensation for his services and attendance on the meetings of the Board his actual expenses.

Civ. '02, § 1260; 1899, XXIII, 105; 1900, XXIII, 358.

§ 1847. **Incorporation and Corporate Powers.**—The said Board of Trustees is a body corporate and politic, in deed and in law, by the name of the Board of Trustees of The University of South Carolina, and by said name they and their successors shall have perpetual succession, and be able and capable in

1. For penalty for mutilating State flag, see § 207, Criminal Code.

law to have, receive and enjoy, to them and their successors, lands, tenements and hereditaments of any kind or value, in fee or for life, or years, and personal property of any kind whatever, and all sums of money of any amount whatsoever which may be granted, devised or bequeathed to them for the purpose of building, erecting, endowing or supporting the said university; but in receiving any such bequest no liabilities of any character shall be made binding or obligatory upon the State, except such as are accepted by the General Assembly. They shall have a common seal for themselves and their successors, with liberty to alter the same from time to time, and by their corporate name shall and may be able to plead and be impleaded, defend and be defended, in all the Courts of this State.

Civ. '02, § 1261; R. S. 1097; 1899, XXIII, 105; 1900, XXIII, 358.

§ 1848. Meetings of Board—President—Quorum.—The Board of Trustees shall meet in Columbia at such time and place as the Governor shall direct; and the Governor of the State shall be the President of the Board, and in his absence the Board shall select one of their number to act as President. The stated meetings of the Board shall be held at least twice a year; but the President of the Board shall have power to assemble it at any time in extra meeting, and it shall be his duty to do so whenever requested by the Faculty of said university. A majority of the members of the Board shall constitute a quorum for the transaction of ordinary business, but not less than a majority vote of the whole Board shall be required for the election or removal of a President or Professor, for the creation or abolition of any professorship, or for the expulsion of a student.

Civ. '02, § 1262; R. S. 1098; 1899, XXIII, 105; 1900, XXIII, 358; 1903, XXIV, 66.

§ 1849. Powers of Board at Meetings.—The said Trustees, or a quorum of them, being regularly convened, shall be capable of doing or transacting all the business of said university, but more particularly of electing all the necessary officers of the said university, of removing any of them for neglect or misconduct, of prescribing the course of studies to be pursued by the students, and in general of enacting all such rules, regulations and by-laws as shall appear to them necessary and not repugnant to the laws of the State and of the United States. They shall have the power to appoint for said university a Board of Visitors of such number as they may deem expedient, whenever they may think proper. No vacancy in the offices of the said university shall be filled unless at the stated meetings of the Board of Trustees; but such vacancy may be filled at an occasional meeting until the next stated meeting, and no longer.

Civ. '02, § 1263; R. S. 1099; 1899, XXIII, 105; 1900, XXIII, 358.

§ 1850. Property Vested in University—Proviso as to the Sale of.—All and every estate and property, real or personal, tenements, hereditaments, leasehold estates, franchises, easements and credits of every description which have heretofore been of the South Carolina College, or of the University of South Carolina, shall vest in and shall become the property of the said university; but no sale of the property of the university shall be made without the consent of the General Assembly.

Civ. '02, § 1264; R. S. 1100; 1899, XXIII, 105; 1900, XXIII, 358.

§ 1851. Board to Receive and Invest Funds Offered to Found Scholarships.—The said Board of Trustees are also authorized to receive, in behalf of the State, and invest to the best advantage, in their discretion, all moneys, funds and securities which may from time to time be offered for the foundation of scholarships in said university.

Civ. '02, § 1265; R. S. 1101; 1899, XXIII, 105; 1900, XXIII, 358.

§ 1852. Power of Board to Procure Evidence.—In all investigations touching the affairs of the university, the said Board of Trustees are invested

with full power to compel, by subpoena, rule and attachment, witnesses to appear and testify, and papers to be produced and read before the Board.

Civ. '02, § 1266; R. S. 1102; 1899, XXIII, 105; 1900, XXIII, 358.

§ 1853. Election of President—Faculty—Powers.—The said Board shall elect a President, and the President and Professors shall constitute a Faculty of the university, and said Faculty shall have the power of enforcing the rules, regulations and by-laws adopted by the Trustees for the government of the students, by rewarding or censuring them, and by suspending such of them as shall be disobedient and refractory until a determination of a quorum of the Trustees can be had; but it shall be in the power of a majority of the whole Board of Trustees at a stated meeting only to expel a student of the university. The Faculty are required to report the whole of their proceedings against any student who shall be suspended, together with the cause of such suspension, to the Board of Trustees at their next stated meeting after such suspension, and the said Board are empowered upon a review of the case to restore any student to his standing in the university.

Civ. '02, § 1267; R. S. 1104; 1899, XXIII, 105; 1900, XXIII, 358.

§ 1854. President Must Not Be an Atheist or Infidel—Chaplain, etc.—The said Board shall take care that the President of the university shall not be an atheist or infidel, and that one of the Professors shall be charged with the duties of Chaplain to the university under such regulations and with such additional salary as may be fixed by the said Board.

Civ. '02, § 1268; R. S. 1105; 1899, XXIII, 105; 1900, XXIII, 358.

§ 1855. Appointment of Librarian—Duties—Assignment of Professors to Other Duties.—The said Board shall appoint a Librarian for said university, who shall perform such other duties and receive such salary or compensation as the Board may prescribe. The Trustees shall have authority to assign any Professor to additional duties in any other school or schools without additional salary.

Civ. '02, § 1269; R. S. 1106; 1899, XXIII, 105; 1900, XXIII, 358.

§ 1856. Tuition Fees and Beneficiary Scholarships—Regulations as to.—The tuition fee shall be forty dollars per annum for each student, and shall go to the sustenance of the university, except that in the Law Department the Board of Trustees may fix such additional fees as they may deem necessary to make it self-sustaining as soon as possible; compensation for room rent, use of Library, and damage to property, shall be regulated by the Board; and all tuition fees in the Law Department shall be subject to the disposal of the Board for the payment of the salary of the Law Professor. Except in the Law Department, the Faculty of the said university may grant beneficiary scholarships, without payment of any fees, to such competent and deserving youths of this State as may be unable to pay the same, and the Trustees of the said university shall prescribe such rules and regulations as may be proper to confine the enjoyment of this privilege to those whose necessities require it.

And the Board of Trustees may remit all fees to teachers of the State, in both public and private schools, who take the special courses offered teachers by the university.

Civ. '02, § 1270; R. S. 1107; 1899, XXIII, 105; 1900, XXIII, 358; 1901, XXIII, 732.

§ 1857. College May Confer Degrees.—The said university shall have full power to confer degrees on students and on such other persons as may be qualified to receive the same.

Civ. '02, § 1271; R. S. 1108; 1899, XXIII, 105; 1900, XXIII, 358.

§ 1858. Discretionary Powers of Board.—The Board of Trustees shall have the power to adopt such measures and make such regulations as may in

their discretion be necessary to carry out any of the provisions aforesaid in all cases where the same has not been specially provided for therein.

Civ. '02, § 1272; R. S. 1109; 1899, XXIII, 105; 1900, XXIII, 358.

§ 1859. Normal Students and Women Students.—The Board of Trustees shall provide for admitting as normal students, without fees for tuition or matriculation, two young men from each County; and shall provide for admitting young women to enter the university not below the Junior class.

Civ. '02, § 1273; 1893, XXI, 471.

§ 1860. Corporation Empowered to Accept Money.—The University of South Carolina is empowered to accept, receive and hold all moneys or other property, real or personal, that may be given, conveyed, bequeathed or devised to said corporation; but in case such moneys or other property so given, conveyed, bequeathed or devised be charged with any trust, that then, and in that case, such money or property shall be held and used strictly as fixed by the terms of such trust.

1906, XXV, 16.

ARTICLE 3.

THE CITADEL, THE MILITARY COLLEGE OF SOUTH CAROLINA.

SEC.

- 1861. Board of Visitors—How constituted—Term of office.
- 1862. Powers of Board of Visitors.
- 1863. Beneficiaries.
- 1864. Beneficiary cadets—Appointment—Obligation to teach after graduation.
- 1865. Copy of matriculation obligation to be filed.

SEC.

- 1866. Cadet to file bond—Amount—Condition — Violation — Infancy—Proviso.
- 1867. Duty of Board of Visitors to report graduations — Superintendent of Education's duty.
- 1868. Certificate of release — Certificate of discharge — Cancellation of bond.
- 1869. Annual report of Board.

§ 1861. Board of Visitors—How Constituted—Term of Office.—The Board of Visitors of the Citadel, the Military College of South Carolina, shall be composed of the Governor of the State, the Adjutant and Inspector-General, the State Superintendent of Education, and the Chairman of the Military Committees of the Senate and House of Representatives, who shall be members *ex officio* of said Board, and five others to be elected, by joint vote of the General Assembly as herein provided, who shall be graduates of said Academy.

The regular terms of office of the elective members shall be six years after the first election. The term of those elected at the first election shall be one for two years, two for four years, and two for six years, to be determined by lot after said election, and their terms of office shall date from the first day of February, 1900. The General Assembly shall hold an election every two years to fill vacancies as they occur by the expiration of terms of office.

Civ. '02, § 1275; R. S. 1113; 1899, XXIII, 105.

§ 1862. Powers of Board of Visitors.—Said board shall have the power to establish such regulations as they may deem necessary for the organization and good government of said Academy, and to establish such by-laws for the management thereof as shall not be inconsistent with the laws of this State, or of the United States, to appoint professors qualified to give instruction in military science, and of other branches of knowledge which they may deem essential, to fix their salaries and the period for which said professors shall serve, and the said board shall have full power to confer the degree of bachelor of science and the degree of civil engineer on graduates of the said Academy.

Civ. '02, § 1276; R. S. 1114; 1901, XXIII, 736; 1911, XXVII, 134.

§ 1863. Beneficiaries.—The said college is open for the free education and maintenance of as many beneficiary cadets as the appropriation annually

made therefor will allow: *Provided*, That each County shall be entitled to at least one beneficiary cadet in the said college, and the Board of Visitors may also receive pay cadets without expense to the State.

PROVISION IN CASE OF NEW COUNTIES.—That in the event of the formation of new Counties after the apportionment of beneficiary cadets has been made, no cadet then in the college shall be dropped in order to carry out the provisions of this law.

Civ. '02, § 1277; G. S. 1048; R. S. 1115; 1899, XXIII, 111.

§ 1864. Beneficiary Cadets—Appointment—Obligation to Teach after Graduation.—The beneficiary cadets to be admitted, as provided in the preceding Section, shall be appointed from the Counties of the State in proportion to representation in the House of Representatives. They shall be required to teach, after graduation, for two years in the free public schools of the State.

Civ. '02, § 1278; G. S. 1049; R. S. 1116; 1899, XXIII, 728.

§ 1865. Copy of Matriculation Obligation to Be Filed.—Each beneficiary cadet, when he receives his appointment, shall file, in the office of the State Superintendent of Education, a copy of his matriculation obligation.

Civ. '02, § 1279, 1891, XX, 1040.

§ 1866. Cadets to File Bond—Amount—Condition—Violation—Infancy—Proviso.—Every beneficiary cadet of the Citadel, the Military College of South Carolina, upon reporting for duty and matriculation, shall file with the Superintendent of said college a bond payable to the said college in the penal sum sufficient to cover the maintenance and education that may be expended in his behalf and conditioned for the faithful performance by said cadet of his matriculation agreement to teach for two years after graduation in the free public schools of this State as provided by law; and if honorably discharged before the completion of his course, then to teach for a period of time proportioned to the time he has been in the college. And unless the said cadet shall fill his said obligation as aforesaid he shall be deemed to have violated his contract, and authority is hereby given to the said college to proceed by law for the collection on said bond of such amount as may be necessary to cover so much of the maintenance and education of said cadet as may be proportionately due from his failure to teach the whole or any part of the time agreed as aforesaid. And neither the infancy of the cadet executing such bond nor the Statute of Limitation shall be permitted to be pleaded in bar of the recovery of said debt: *Provided*, That the Board of Visitors of the said college may, in their discretion, permit a beneficiary cadet to fulfill his obligation by teaching in any of the public schools or colleges of the State in which his services may be sought in like manner and under the same conditions as if he taught in the free public schools.

Civ. '02, § 1280; 1899, XXIII, 796.

§ 1867. Duty of Board of Visitors to Report Graduations—Superintendent of Education's Duty.—It shall be the duty of the Board of Visitors to report to the State Superintendent of Education, at least one month before the expected graduation of any beneficiary cadet, and within one month after the honorable discharge of a beneficiary cadet before graduation, the names or name of such cadet, and the Superintendent shall inform the Trustees of the free public schools throughout the State of the opportunity of securing teachers therefor, and shall assign such beneficiary graduates or under-graduates to such schools as in his judgment the interest of the State may require, preference being given in all cases to the schools in the County from which any beneficiary may have been appointed.

Civ. '02, § 1281; 1899, XXIII, 796.

§ 1868. Certificate of Release—Certificate of Discharge—Cancellation of Bond.—If in one month after the opening of the ensuing school year

a graduate or under-graduate receive no assignment to a school, the Superintendent may issue to such graduate or under-graduate a certificate releasing him from his obligation to teach in the public schools. Upon satisfactory proof made to the State Superintendent of Education by any beneficiary graduate or under-graduate that he has fulfilled his matriculation agreement by teaching, as required, in the public schools, the said Superintendent shall grant to such graduate or under-graduate a certificate, under the seal of the State, to that effect. Upon presentation of such certificate, or either of them, to the Superintendent of the Citadel, the Military College of South Carolina, he shall cancel and deliver to such beneficiary graduate or under-graduate the bond herein required.

Civ. '02, § 1282; 1899, XXIII, 796.

§ 1869. Annual Report of Board.—The Board of Visitors shall make a minute and full report of the condition and management of the said college to the Superintendent of Education and to the Governor, to be by him laid before the General Assembly in each and every year.

Civ. '02, § 1283; R. S. 1117; 1842, XI, 225, § 2; 1891, XX, 1039.

ARTICLE 4.

THE WINTHROP NORMAL AND INDUSTRIAL COLLEGE OF SOUTH CAROLINA.

SEC.

- 1870. Institution established—Name.
- 1871. Trustees of Winthrop Normal and Industrial College — Terms of office—Compensation, etc.
- 1872. Secretary of State to notify Trustee—Failure to accept.
- 1873. Meeting of Board—Quorum—Failure to attend—Penalty.
- 1874. Incorporation — Name—Corporate powers — Property rights—Incumbered property—By-Laws — Objects.

SEC.

- 1875. President, Professors and other officers — Salaries — Attending meetings — Departments — Industrial instruction of girls.
- 1876. Tuition fees.
- 1877. Degrees—Diploma of Normal Department—Authority to teach.
- 1878. Scholarships in Winthrop Normal College.

§ 1870. Institution Established—Name.—There shall be established an institution for the practical training and higher education of white girls, which shall be known as "The Winthrop Normal and Industrial College of South Carolina," and shall be located, equipped and conducted as hereinafter provided.

Civ. '02, § 1284; 1891, XX, 1102.

§ 1871. Trustees of Winthrop Normal and Industrial College—Terms of Office—Compensation, etc.—The Board of Trustees of the Winthrop Normal and Industrial College of South Carolina, shall be composed of the Governor of the State, the Superintendent of Education, and the Chairmen of the Committees on Education of the Senate and House of Representatives, who shall be members *ex officio* of said Board, and seven other members, each to be elected by the joint vote of the General Assembly, as hereinafter provided.

The regular term of office of the elective members of the aforesaid Board of Trustees of the Winthrop Normal and Industrial College of South Carolina shall be six years after the first election, in which the terms of office of those elected therein shall be two years, two for four years, and three for six years, on said Board, these terms in said Board to be determined by lot after said elections.

The terms of the elected members of said Board shall date from the first day of February, A. D. 1900; and the General Assembly shall hold elections every two years to fill vacancies as they occur in any of said Board by the expiration of terms of office. In all cases where there is a vacancy in said Board of Trus-

tees, the Governor shall be empowered to fill same by appointment until the next session of the General Assembly.

Each member of the Board shall receive as compensation for services and attendance on the meetings of the Board their actual expenses, which shall be paid out of the funds of the institution. There shall be at least two regular meetings of the Board each year.

Civ. '02, § 1285; 1891, XX, 1102.

§ 1872. Secretary of State to Notify Trustee—Failure to Accept.—

The Secretary of State shall furnish a certificate to each Trustee within ten days after his election, notifying him that he has been so elected, and if any Trustee fail for the space of thirty days to inform the Governor of his acceptance, then his election shall be void, and his place shall be filled as heretofore provided in cases of vacancy.

Civ. '02, § 1286; 1891, XX, 1102.

§ 1873. Meeting of Board—Quorum—Failure to Attend—Penalty.—

The first Board of Trustees shall convene within ten days after the adjournment of the Legislature for organization and for the transaction of business. A majority of said Board shall constitute a quorum. Whenever any member of the said Board has failed to attend two successive meetings of said Board without rendering an excuse which is satisfactory to and accepted by the Board, his place shall be declared vacant by the Board and shall be filled as heretofore provided.

Civ. '02, § 1287; 1891, XX, 1102.

§ 1874. Incorporation — Name — Corporate Powers — Property Rights—Incumbered Property—By-Laws—Object.—

The Board of Trustees of the South Carolina Industrial and Winthrop Normal College are hereby created a body corporate by the name and style of "The Trustees of the Winthrop Normal and Industrial College of South Carolina," and shall by said name have perpetual succession of officers and members, the right to use and keep a common seal, and the same to alter at will; and may sue and be sued, contract and be contracted with, and may own, purchase, sell and convey property, both real, personal and mixed, and are authorized and empowered to receive and hold donations, devises, bequests and legacies for the use and benefit of the said institution: *Provided*, That all property purchased under the authority of this Article shall be free from liens and incumbrances, and title to the same as well as to any donations that said Board may receive shall be taken in the name of the Trustees in their corporate capacity, and shall become the property of the State of South Carolina. They shall have full power and authority, from time to time, to make, constitute and establish such by-laws, rules and orders, not inconsistent with the laws of the land, as to them shall seem necessary and convenient for the better regulation, government, well-ordering and directing of themselves as Trustees as well as the Winthrop Normal and Industrial College of South Carolina, and all officers, teachers or other persons by them employed in and about the same, and all pupils in the said institution. They shall possess all the power necessary for the accomplishment of the trust committed to them, viz: The establishment, conduct and maintenance of a first-class institution for the thorough education of the "white girls" of South Carolina, the main object of which shall be (1) to give to young women such education as shall fit them for teaching; (2) to give instruction to young women in stenography, typewriting, telegraphy, bookkeeping, drawing (free hand, mechanical, architectural, etc.), designing, engraving, sewing, dressmaking, millinery, art needlework, cooking, housekeeping, and such other industrial arts as may be suitable to their sex and conducive to their support, and usefulness. Said Trustees shall have authority to add, from time to time, such special features to

the institution and to open such new departments of training and instruction therein as the progress of the times may require.

Civ. '02, § 1288; 1891, XX, 1102.

§ 1875. President, Professors and Other Officers—Salaries—Attending Meetings—Departments—Industrial Instruction of Girls.—The Board of Trustees shall appoint a President and Professors of said institution, and such other officers as they may think proper to put the same in successful operation. They shall fix all salaries and wages of teachers and employees. The President selected by them shall attend every meeting of the Board for consultation and to give information concerning the institution. The Board, aided by the President, shall divide the course of study and instruction into departments, so as to secure thorough education and the best possible instruction. No girl shall be allowed to take a course in said institution who does not receive instruction in at least one industrial art.

Civ. '02, § 1289; 1891, XX, 1102.

§ 1876. Tuition Fees.—The tuition charge for students shall be forty (\$40) dollars a session: *Provided*, Students shall be admitted free of tuition charges who are not able to pay their tuition, as ascertained and determined by the Board of Trustees.

Civ. '02, § 1290; 1891, XX, 1102.

§ 1877. Degrees—Diploma of Normal Department—Authority to Teach.—The said Trustees are authorized and empowered to confer degrees and grant diplomas to all persons who satisfactorily complete the prescribed courses of study and training in said institution, and a diploma from the Normal Department shall entitle the holder to teach in any of the public schools of the State as first grade teacher without further examination.

Civ. '02, § 1291; 1891, XX, 1102.

§ 1878. Scholarships in Winthrop Normal College.—The Board of Trustees of the Winthrop Normal and Industrial College shall have the authority to assign the scholarships provided for that institution by the General Assembly, so that there may be given to a County as many scholarships as such County is entitled to members in the House of Representatives, at one hundred dollars each. These scholarships shall be awarded upon competitive examination by the State Board of Education: *Provided, however*, That before competing for said scholarships, the applicants shall make to the Board of Trustees proof, upon certificate of Auditor and Treasurer of their respective Counties, of their financial ability to attend college, and shall receive from said Board permission to enter the competitive examination.

Civ. '02, § 1292; 1896, XXII, 173; 1902, XXIII, 461.

ARTICLE 5.

THE COLORED NORMAL, INDUSTRIAL, AGRICULTURAL AND MECHANICAL COLLEGE OF SOUTH CAROLINA.

SEC.

1879. Establishment of Colored Normal, Industrial and Mechanical College of South Carolina.

1880. Duties and powers of trustees.

1881. To separate college from Claflin University.

1882. Trustees to provide buildings, establish courses of study, etc.—Qualifications of instructors.

SEC.

1883. Majority for transaction of business.

1884. One-half of Land Scrip fund vested in Trustees.

1885. To have half of Public Land Fund under Act of Congress—Application.

§ 1879. Establishment of Colored Normal, Industrial and Mechanical College of South Carolina.—There shall be established within this State

a Normal, Industrial, Agricultural and Mechanical College for the higher education of the colored youth of the State, and the said college shall be known as the Colored Normal, Industrial, Agricultural and Mechanical College of South Carolina.

BRANCH OF SOUTH CAROLINA UNIVERSITY—TRUSTEES, ETC.—The Colored Normal, Industrial, Agricultural and Mechanical College of South Carolina shall be under the management and control of a Board of Trustees, composed of seven members, six of whom shall be elected by the General Assembly, whose term of office shall be six years. But the General Assembly shall at its present session elect two of said Trustees for two years, two for four years, and two for six years, so that two of them shall go out of office every two years. The Governor of the State shall be *ex officio* the seventh member of said Board of Trustees.

Civ. '02, § 1293; 1896, XXII, 174.

§ 1880. **Duties and Powers of Trustees.**—The Board of Trustees of the Colored Normal, Industrial, Agricultural and Mechanical College of South Carolina are hereby fully authorized and empowered to take charge of, manage and control all of the real and personal property belonging to Claflin College, in whosoever hands or custody the same may be now or hereafter found, and shall hold the same in trust for the benefit and uses of the said Colored Normal, Industrial, Agricultural and Mechanical College of South Carolina.

Civ. '02, § 1294; 1896, XXII, 174.

§ 1881. **To Separate College from Claflin University.**—The Board of Trustees of the Colored Normal, Industrial, Agricultural and Mechanical College of South Carolina shall have and are hereby given full and ample power to do and to perform any and all acts whatsoever necessary to effect a complete and final separation of the interests of the State from those of Claflin University, and in the continued management of affairs of said college whenever it is found necessary to protect or to promote the interests of the State or whenever the Trustees deem it right and proper or expedient for any reason, the authority here given shall authorize said Trustees to sell, purchase or exchange real estate. And the said Trustees shall fix the time and duration of all vacations to be given the students of the said institution. The Colored Normal, Industrial, Agricultural and Mechanical College of South Carolina shall have all the rights and privileges possessed heretofore by Claflin College and be entitled to receive all the funds set apart for the support of Claflin College under the Acts of the General Assembly of this State, and the said college shall forever be, and remain, free and separate from Claflin University and all other colleges, schools, or other institutions which are wholly or in part under the direction or control of any church or religious or sectarian denomination or society.

Civ. '02, § 1295; 1896, XXII, 174; 1909, XXVI, 213.

§ 1882. **Trustees to Provide Buildings, Establish Courses of Study, etc.—Qualifications of Instructors.**—The Board of Trustees of the Colored Normal, Industrial, Agricultural and Mechanical College of South Carolina are authorized and empowered to provide all necessary suitable buildings upon a proper site for the purpose; to establish a course of study covering the normal, industrial, agricultural and mechanical sciences, and provide the necessary appliances for proper instruction in the same; and to select a proper corps of professors and instructors and fix their salaries. The Principal or President and corps of instructors shall be of the negro race.

Civ. '02, § 1296; 1896, XXII, 174.

§ 1883. **Majority for Transaction of Business.**—A majority of the Board of Trustees shall be necessary for the transaction of any business.

Civ. '02, § 1297; 1896, XXII, 174.

§ 1884. One-half of Land Scrip Fund Vested in Trustees.—One-half of the fund known as the Land Scrip Fund, to wit: ninety-five thousand and nine hundred dollars, shall be for the benefit of the Colored Normal, Industrial, Agricultural and Mechanical College of South Carolina, and shall be a perpetual fund, which shall forever remain undiminished, and the Board of Trustees are authorized to use the income thereon, to wit: six per cent. per annum, payable semi-annually, from July 1st, 1889, for the use and maintenance of said college.

Civ. '02, § 1298; 1889, XX, 299; Const., Art. XI, § 8; 1868, XIV, 169; 1879, XVII, 86; 1896, XXII, 173.

§ 1885. To Have Half of Public Land Fund, under Act of Congress—Application.—All sums which shall be received by the State from the United States government under the provisions of the Act of Congress, approved August 30, 1890, entitled, "An Act to apply a portion of the public lands to the more complete endowment and support of colleges for the benefit of agriculture and mechanical arts established under the provisions of an Act of Congress approved July second, eighteen hundred and sixty-two," shall be equally divided between the Colored Normal, Industrial, Agricultural and Mechanical College and the Clemson Agricultural College, to be applied to the purposes specified in said Acts.

Civ. '02, § 1299; 1890, XX, 704; 1896, XXII, 173.

CHAPTER XXVI.

The Clemson Agricultural College.

SEC.	SEC.
1886. Acceptance of the Clemson devise and bequest.	1898. Powers and duties devolved upon Trustees of Clemson College—Exception.
1887. Agricultural and Mechanical College established—Name, Location and studies.	1899. Meeting of Board—Remuneration.
1888. Board of Trustees — Election — Term—Compensation — Powers and duties—Tuition.	1900. Duties and powers of Board.
1889. Incorporation and powers—Property rights—Proviso — Investment of funds—By-laws.	1901. Clemson College may construct railroad.
1890. Expenditure of moneys and sale of property.	1902. College may lease road.
1891. Annual report by Board.	1903. College may maintain tramways, etc.
1892. Investment of Clemson bequest fund and payment of interest to Board.	1904. Powers and duties of Veterinarian of College.
1893. Collection and investment of moneys from Clemson bequest fund in Brown Consols.	1905. Same.
1894. One-half Land Scrip Fund vested in College Trustees — Application of income.	1906. Privilege tax on fertilizer subject to order of Board—Application.
1895. Hatch Fund vested in Trustees of College for support of Experiment Station.	1907. Clemson College incorporated — Limits.
1896. Experimental stations for farm demonstration work.	1908. Powers of Board of Trustees.
1897. Department of agriculture and office of Commissioner abolished.	1909. Trustees may license or prohibit sales.
	1910. Constables.
	1911. No tax to be levied.
	1912. Annual report to General Assembly.
	1913. One hundred and sixty-seven scholarships created in Clemson College.
	1917. How scholarships paid.

§ 1886. Acceptance of the Clemson Devise and Bequest.—The Honorable Thomas G. Clemson having departed this life on the sixth day of April, A. D. 1888, leaving of force his last will and testament, which was duly admitted to probate on the twentieth day of April, 1888, in the office of the Judge of Probate for the County of Oconee, in the State of South Carolina, wherein he de-

vised and bequeathed to his executor, Richard W. Simpson, of Pendleton, South Carolina, a tract of land situate on Seneca River, in Oconee County, in said State, containing eight hundred and fourteen acres, more or less, known as the Fort Hill plantation, as well as all his other property, both real and personal, except certain legacies in the said will mentioned and provided for, all in trust to convey to the State of South Carolina when the said State shall accept the same for the purpose of establishing and maintaining an Agricultural and Mechanical College upon the aforesaid Fort Hill plantation upon the terms and conditions of said will, the State of South Carolina hereby expressly declares that it accepts the devise and bequest of Thomas G. Clemson subject to the terms and conditions set forth in his said last will and testament, and the Treasurer of the State is hereby authorized and empowered to receive and securely hold the said property, both real and personal, and to execute all necessary papers and receipts therefor as soon as the said executor shall convey and transfer the said devise and bequest to the said State.

Civ. '02, § 1300; R. S. 1118; 1889, XX, 277.

§ 1887. Agricultural and Mechanical College Established—Name, Location and Studies.—The deed and transfer of said property to the State having been duly executed and made by the said executor, in accordance with the provisions of said will, an Agricultural and Mechanical College is hereby established in connection with the aforesaid devise and bequest, to be styled "The Clemson Agricultural College of South Carolina," and situated at Fort Hill, in Oconee County, on the plantation so devised; in which college shall be taught all branches of study pertaining to practical and scientific agricultural and other industries connected therewith, and such other studies as are not inconsistent with the terms of the said will.

Civ. '02, § 1301; R. S. 1119; 1889, XX, 278, § 2.

§ 1888. Board of Trustees—Election—Term—Compensation—Powers and Duties—Tuition.—The said college shall be under the management and control of a Board of thirteen Trustees composed of the seven members nominated by said will and their successors and six members to be elected by the Legislature in joint assembly.

Three of the Trustees elected in 1898 shall serve for the term of two years, and three of said Trustees shall serve for the term of four years, from the commencement of their terms and until their successors shall be elected, and the said six trustees, immediately after their election, shall cast lots to determine which three of said Trustees shall serve for the term of two years and which three shall serve for the term of four years. Hereafter every two years the General Assembly shall elect in joint assembly three Trustees for said college, who shall serve for the term of four years and until their successors shall be elected and shall qualify.

The Board of Trustees shall elect one of their number to be President, and elect a Secretary and fix his salary. They shall organize the college and put it in operation as soon as practicable after the passage of this Act; shall prescribe the course of study, shall declare the professorships, elect the professors and define their duties and fix their salaries, and make all rules and regulations for the government of the college. They may employ such superintendent, head workman, laborers for the farm, shops and grounds as may be necessary, and fix their compensation. They shall charge each student a tuition fee of forty dollars per annum: *Provided, however,* The Board of Trustees of said Clemson Agricultural College may grant free tuition to such competent and deserving youths of this State as may be unable to pay the same, and the said Board of Trustees shall prescribe such rules and regulations as may be proper to confine the enjoyment of this privilege to those whose necessities require it.

Civ. '02, § 1302; R. S. 1120; 1889, XX, 277; 1897, XXII, 470; 1898, XXII, 763; 1912, XXVII, 558.

§ 1889. Incorporation and Powers—Property Rights—Proviso—Investment of Funds—By-Laws.—The said Board of Trustees is hereby declared to be a body politic and corporate, under the name and style of the Clemson Agricultural College of South Carolina. They shall have a corporate seal, which they may change at their discretion; and in their corporate name they may contract for, purchase and hold property, for the purposes of this Article, and may take any property or money given or conveyed by deed, devise or bequest of said college, and hold the same for its use and benefit: *Provided*, That the conditions of such gift or conveyance shall in no case be inconsistent with the purposes of this Chapter, and shall incur no obligation on the part of the State. They shall securely invest all funds and keep all property which may come into their possession, and may sell any of the personal property not subject to the trust, and reinvest the same in such way as they may deem best for the interest of said college. They may sue and be sued, and plead and be impleaded, in their corporate name, and may do all things necessary to carry out the provisions of this Chapter, and may make by-laws for this purpose if they deem it necessary.

Civ. '02, § 1303; R. S. 1121; 1889, XX, 279.

§ 1890. Expenditure of Moneys and Sale of Property.—It shall require a two-thirds vote of the said Board of Trustees to authorize the expenditure of any moneys appropriated to the said college by the State, or to authorize the sale or transfer or reinvestment of any property or moneys arising from the sale of any property under the provisions of this Chapter.

Civ. '02, § 1304; R. S. 1122; 1889, XX, 279.

§ 1891. Annual Report by Board.—It shall be the duty of said Board of Trustees to make to the Legislature an annual report of the college, and of all farming operations and tests and experiments, and of all receipts and expenditures, with a statement of the condition of the property and funds of said college, and of all receipts and expenditures of money appropriated thereto by the State.

Civ. '02, § 1305; R. S. 1123; 1889, XX, 279.

§ 1892. Investment of Clemson Bequest Fund and Payment of Interest to Board.—The State Treasurer shall securely invest and reinvest the funds now in his hands, and such as may hereafter come into his hands, derived from the Clemson bequest in such manner as shall be directed by the Governor, the Comptroller-General and the Treasurer of the State, or any two of them. He is hereby authorized to collect the interest annually upon all investments made of funds of the Clemson bequest, and pay the same over to the Treasurer of the Board of Trustees of Clemson Agricultural College. It shall be his duty, under the direction of the Governor, the Comptroller-General and the Treasurer of the State, or any two of them to enforce the collection of the principal or interest due on any investment made of such Clemson bequest.

Civ. '02, § 1306; R. S. 1124; 1890, XX, 662.

§ 1893. Collection and Investment of Moneys from Clemson Bequest Fund in Brown Consols.—The State Treasurer is hereby authorized and empowered to collect by suit or otherwise, or to sell and convert into money, all the evidences of indebtedness now held by him and which was turned over to him as a part of the Clemson bequest, and that when he shall have received the money on same that he invest the same in Brown Consols, bearing interest at six per cent. per annum. When said funds are invested in said Brown Consols, as provided for in this Section, then the State Treasurer shall issue a certificate of State stock in a sum equal to the value of said Brown Consols, bearing interest at the rate of six per centum per annum, payable semi-annually, to the Board of Trustees of the Clemson Agricultural College, to be held as a perpetual fund, the capital of which shall forever remain undiminished, the interest on same to be used by said Board of Trustees for the uses of said Clemson Agricultural Col-

lege; and when the said State stock is so issued, he do then cancel the said Brown Consols in the place of which the said State stock was issued.

Civ. '02, § 1307; R. S. 1125; 1891, XX, 1054.

§ 1894. One-Half Land Scrip Fund Vested in College Trustees—Application of Income.—One-half of the Land Scrip Fund heretofore vested by Section 1045 of the General Statutes (1882) in the Board of Trustees of the University of South Carolina is hereby vested in the six members of the Board of Trustees of the Clemson Agricultural College of South Carolina elected by the General Assembly; and the State Treasurer is authorized and required to issue a certificate of State stock in the sum of ninety-five thousand nine hundred dollars, bearing interest at the rate of six per centum per annum, payable semi-annually, to the said six members of the said Board of Trustees, to be held as a perpetual fund, the capital of which shall forever remain undiminished, the income of said fund to be used by said Board of Trustees for the building and maintenance of the said Clemson Agricultural College, in accordance with the purposes for which the said Land Scrip was donated by the Act of Congress in relation thereto.¹

Civ. '02, § 1308; R. S. 1126; 1889, XX, 299, § 1; Con., Art. XI, § 8; 1868, XIV, 169; 1879, XVII, 86.

§ 1895. Hatch Fund Vested in Trustees of College for Support of Experiment Station.—The annual grant of fifteen thousand dollars, commonly known as the Hatch Bill fund, made to the State of South Carolina by the Congress of the United States according to the terms of an Act of Congress entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July second, eighteen hundred and sixty-two, and of the Act supplementary thereto," approved March 2d, 1887, shall be and hereby is, withdrawn from the control of the Board of Trustees of the University of South Carolina, in whom it was vested by an Act entitled "An Act to amend Chapter XX of the General Statutes, entitled 'Of the University of South Carolina,'" approved December 22, 1887; and the said grant of fifteen thousand dollars is hereby vested in the six members of the Board of Trustees of the Clemson Agricultural College of South Carolina chosen by the General Assembly; and an agricultural experiment station shall be established in connection with the said Clemson Agricultural College, and under the direction of the Board of Trustees thereof, to be supported by said grant according to the provisions of the Act of Congress hereinbefore mentioned.

Civ. '02, § 1309; R. S. 1128; 1889, XX, 300, § 2.

§ 1896. Experimental Stations for Farm Demonstration Work.—The Board of Trustees of Clemson Agricultural and Mechanical College are hereby authorized and empowered to establish and operate two or more experimental stations, as in their judgment the funds of said college will justify, for the purpose of testing soil, climatic and other conditions and farm demonstration work: *Provided*, That one of such stations shall be established within the Peedee section of the State, one within the sand hill portion thereof, and the others wherever in the judgment of said board will result to the best interest of the State: *And provided, further*, That due advertisement for bids in money and donations of land for the location of any such stations in any section of the State shall be made before the location thereof is determined.

1911, XXVII, 3.

§ 1897. Department of Agriculture and Office of Commissioner Abolished.—The Department of Agriculture of this State, as heretofore consti-

¹. See ante, § 1413, as to the division of the public land funds between the Colored Normal, Industrial, Agricultural and Mechanical College

of South Carolina, and Clemson Agricultural College.

tuted and provided for by law, is abolished, and also the office of Commissioner of Agriculture for this State.

Civ. '02, § 1310; R. S. 1129; 1890, XX, 705, § 1.

§ 1898. Powers and Duties Devolved upon Trustees of Clemson College—Exception.—All the powers, duties, rights and privileges heretofore vested in and exercised by the Commissioner of Agriculture and the Department of Agriculture of this State are hereby vested in and devolved upon the Board of Trustees of the Clemson Agricultural College of South Carolina, except that said Board shall not have any rights, powers or privileges in reference to or in connection with the management and control of the rights and interests of the State in the phosphate rock or phosphatic deposits in the navigable streams and marshes thereof.

Civ. '02, § 1311; R. S. 1130; 1890, XX, 705, § 2.

§ 1899. Meeting of Board—Remuneration.—For the purpose of carrying out the duties hereby devolved upon them, the said Board of Trustees shall meet at the call of the Governor, and at such time and place as he may designate. They shall receive no compensation, but shall be allowed their actual expenses, for not exceeding two meetings in one year, while engaged in the duties of the Board imposed upon them by this Article.

Civ. '02, § 1312; R. S. 1131; 1890, XX, 706, § 3; 1899, XXIII, 111.

§ 1900. Duties and Powers of Board.—The duties and powers of the said Board of Trustees are as follows:

1. They shall regulate the returns of such County agricultural societies as may be chartered by the State, prescribe the forms of such return, and furnish all blanks necessary for securing uniform and reliable statistics of their operations.

2. They shall issue to the several County Auditors of the State, blanks, with complete instructions, for the collection of agricultural statistics and information. The Auditors shall promptly return such blanks to the Board, filled in accordance with such instructions.

3. They shall investigate all subjects relating to the improvement of the agricultural interests of the State, the inducement of immigration thereto, and the introduction of foreign capital therein, as they may deem expedient.

4. They shall have the right to promulgate and enforce rules and regulations, for the guidance of the Veterinarian of said college, or his assistant, if one shall be appointed, in the treatment of horses, mules, cattle, hogs, or other live stock affected with any dangerous or contagious disease.

5. The said Board shall have the power to adopt rules and regulations, consistent with the laws of this State, and of the United States, to prevent the introduction into this State of any live stock, that is affected with any contagious disease, the tendency of which is to cause the death of said live stock.

6. They shall have power, in case of contagious disease among any kind of stock or animals, either to establish rules of quarantine or to have the infected animals killed and burned.

7. Said Board, or a committee thereof, appointed by them, shall supervise and enforce the execution of all laws respecting the sale of commercial fertilizers and seeds within the State, and any other duties by this Chapter devolved upon them.

8. They shall appoint a special inspector or inspectors of fertilizers, and such other persons as they may deem necessary for carrying out the duties of the Department of Agriculture, hereby devolved upon them, and fix their compensation.

9. They shall collect samples of any commercial fertilizers offered for sale in this State and cause the same to be analyzed. Such samples must be taken from at least ten per cent. of the lot analyzed.

10. They shall prepare and keep in their department books of registry in which any person may cause to be entered any tract or lot of land which he may desire to sell, stating the terms of sale. And such person may file also any plat or other descriptive paper relating to such lands as he may think proper. They shall also keep books in which shall be entered the names of persons desiring employment as laborers. The registry fee for each tract of land, or for each person seeking employment, shall be one dollar. The books shall be open to inspection free of charge.

11. They shall communicate and co-operate with the Commissioner of Agriculture of the United States, and shall receive from him seeds, plants, documents and information, and shall distribute the same as may seem to the best advantage.

12. They shall have power to hold agricultural conventions composed of delegates from each County in the State, to be apportioned to each County and elected in such manner as the Board may provide; and to conduct farmers' institutes at such times and places as may appear expedient; and they are authorized to use such parts of the funds under their control as may be necessary to meet the expense of conducting such conventions and institutes, but no compensation, per diem or mileage shall be paid to the delegates of such conventions.²

13. The authorities of Clemson Agricultural and Mechanical College are hereby authorized and required to detail one of its scientific agriculturists to pay frequent visits to the coast section of the State, and to examine the soils, present methods of cultivation, fertilization, irrigation, etc., and to make practical tests, on some selected section, of Sea Island cotton, rice and truck farms, with various varieties of seeds, and to follow the same up carefully during the preparation of the land, planting of seed and cultivation and harvesting of same, and also to examine into the diseases of cotton, rice, truck, etc., which have caused much trouble and loss in that section. That it shall be the duty of the planters and farmers of the section so visited to render hearty assistance and co-operation in every way in their power to the gentlemen detailed under the provisions of this Section.

Civ. '02, § 1313; G. S. 587, 588, 589, 591, 594; R. S. 1132; 1879, XVII, 72; 1890, XX, 706, § 4; 1901, XXIII, 737.

§ 1901. Clemson College May Construct Railroad.—The Clemson Agricultural College of South Carolina is hereby authorized and empowered to construct, maintain and operate a railroad between the Clemson Agricultural College of South Carolina and Calhoun Station, on the line of the Atlanta and Charlotte Air Line Railway, with all the rights, powers, duties and privileges that are conferred and imposed by the laws of this State upon railroad companies.

POWERS AND RIGHTS OF COLLEGE AS TO RAILROAD.—The said Clemson Agricultural College of South Carolina, for the purpose of the construction of said railroad, shall be entitled to all the rights and privileges (and be subject to all the liabilities of railroad corporations) embraced in what is called the "General Railroad Law," and Acts amendatory thereof, as well as any Acts now existing, or hereafter to be passed, regulating the duties, privileges and rights of railroad companies.

Civ. '02, § 1314; 1900, XXIII, 565.

§ 1902. College May Lease Road.—After construction of said railroad the said Clemson Agricultural College of South Carolina, for the purpose of operating the same, is empowered to lease, in any lawful manner, the said railroad to any railroad company upon such terms as may be mutually agreed upon, or may enter into any agreement with any railroad company for the operation of the same.

Civ. '02, § 1315; 1900, XXIII, 565.

2. See ante, §§ 875-883, as to State Entomologist and State Board of Entomology.

§ 1903. College May Maintain Tramways, etc.—The said Clemson Agricultural College of South Carolina is authorized to construct and maintain tramways, macadam roads, electric roads, and such other highways within the incorporation as the Board of Trustees may deem expedient for the improvement and development of the corporation, and to this end shall have all the powers, privileges and rights conferred by Sections 1901 and 1902.

Civ. '02, § 1316; 1900, XXIII, 565.

§ 1904. Powers and Duties of Veterinarian of College.—The Veterinarian of said college shall have the right to visit any section of this State, where contagious diseases among animals is believed to exist, and shall determine, under the rules and regulations of said Board, whether such affected animals, are worthy of remedial treatment or should be destroyed. It shall not be lawful for any person or persons to hinder or obstruct said Veterinarian or his assistant, in the enjoyment of the rights given by this Section, or in the discharge of the duties prescribed by this next succeeding Section.³

Civ. '02, § 1317; 1901, XXIII, 737.

§ 1905. Same.—When two or more reputable citizens, of any County in this State, shall notify said Veterinarian that any animals in their County are affected with a contagious disease, the tendency of which is to cause the death of such animals, he shall investigate the same, or cause an investigation thereof to be made; and for such purpose, he, or his assistant, shall have the right to go upon any premises on which such affected animals are, or where they are supposed to be. Said Veterinarian shall have the right to treat such affected animals, at the expense of the owner or owners of the same, or shall have the right to cause the same destroyed, under such rules and regulations as may be prescribed by the said Board. No compensation shall be paid to the owner or owners of any animals destroyed under the provisions of this Section. The necessary expenses incurred by the Veterinarian or his assistant in the discharge of the duties prescribed in this Chapter, shall be paid from the funds of Clemson College.

Civ. '02, § 1318; 1901, XXIII, 737.

§ 1906. Privilege Tax on Fertilizer Subject to Order of Board—Application.—All the privilege tax on fertilizers heretofore required to be paid to the Commissioner of Agriculture shall in the future be paid to the Treasurer of the State, subject to the order of the Board of Trustees of the Clemson Agricultural College of South Carolina; and so much of the money so received as shall be necessary to defray the expenses of the Board in performing the duties now by this Chapter devolved upon them shall be thus used, and the balance shall go to the said college, for its erection and maintenance.

Civ. '02, § 1319; R. S. 1133; 1890, XX, 703, § 6.

§ 1907. Clemson College Incorporated—Limits.—A municipal corporation is hereby created, known as Clemson College, the limits of which shall consist of all the lands belonging to the said college and cover all the territory included in a circle formed with the college building as a centre, with a radius of five miles, thus making the diameter of the circle ten miles, within which boundaries the jurisdiction of the corporation shall extend. No dispensary shall ever be located at Calhoun.

Civ. '02, § 1320; 1894, XXI, 915; 1901, XXIII, 830.

§ 1908. Powers of Board of Trustees.—1. The Board of Trustees of Clemson College and their successors in office shall have perpetual control and direct the affairs of said corporation.

2. **POLICE MAGISTRATE.**—The said Board, by a majority vote, shall have the power, and it is made their duty, to recommend a suitable person as Police Mag-

3. For penalty of such obstruction, see Criminal Code.

istrate, who shall be commissioned by the Governor, and who shall exercise all the powers of a Magistrate and of a City Recorder in punishing offenses against the law, or against the Ordinances of the said Board of Trustees. But said Magistrate shall not have jurisdiction in Pickens County.

PENALTIES.—The said Board of Trustees shall have authority, and it shall be their duty, to make such rules for the maintenance of order and provide such punishments, within the jurisdiction of a Magistrate, by fine or imprisonment, or both, as will keep the territory within their jurisdiction free from nuisances and enforce the police regulations of the State.

Civ. '02, § 1321; 1894, XXI, 915; 1901, XXIII, 830.

§ 1909. Trustees May License or Prohibit Sales.—The Board of Trustees of the Clemson Agricultural College are authorized and empowered to make such by-laws as they deem proper to license or prohibit the sale of goods, wares and merchandise of any kind whatever on the grounds belonging to the said college as are not repugnant to the laws of the State.

Civ. '02, § 1322; R. S. 1135; 1892, XXI, 88.

§ 1910. Constables.—The said Board shall have authority to appoint one or more special Constables, who shall exercise all the power of a State Constable or of a municipal policeman, to enforce obedience to its ordinances and to the laws of the State.

Civ. '02, § 1323; 1894, XXI, 915.

§ 1911. No Tax to Be Levied.—Nothing contained in Sections 1907, 1908 and 1909, shall give said Board of Trustees the right to levy or collect any tax.

Civ. '02, § 1324; 1894, XXI, 915.

§ 1912. Annual Report to General Assembly.—A report of all their proceedings under this Chapter shall be made, annually, by the Board to the General Assembly.

Civ. '02, § 1325; G. S. 598; R. S. 1134; 1879, XVII, 74.

§ 1913. One Hundred and Sixty-Seven Scholarships Created in Clemson College.—There are hereby established and created one hundred and sixty-seven (167) beneficiary scholarships in the Clemson Agricultural College of South Carolina, and each of said scholarships shall be of the value of one hundred dollars per annum, and shall be apportioned and distributed among the several Counties of the State in the same manner as the members of the Senate and House of Representatives are apportioned, so that each County shall have as many scholarships as such County is entitled to members in the Senate and House of Representatives.

1910, XXVI, 679.

§ 1917. How Scholarships Paid.—The said scholarships shall be paid from the regular income of said Clemson Agricultural College, as now provided by law, and shall each continue for the term of four years, or for such length of time as the beneficiary shall be able to maintain himself and comply with the rules of the College; and the said sum of one hundred dollars per annum shall be placed to the credit of each of said beneficiaries and applied towards the payment of his board and other necessary school expenses.

1907, XXVII, 540.

CHAPTER XXVII.

South Carolina Institute for the Education of the Deaf, Dumb and Blind.

SEC.	SEC.
1918. Board of Commissioners.	1924. All deaf mutes and blind persons admitted.
1919. Duties and powers of Board.	1925. Expenses of applicants.
1920. Superintendent—How elected.	1926. Expenses of pupils.
1921. Duties and powers of Superintendent.	1927. Board may provide for higher education of any graduate.
1922. Meetings of Board.	
1923. Reports of Board.	

§ 1918. Board of Commissioners.—The Board of Commissioners for the South Carolina Institution for the Education of the Deaf and Dumb and the Blind shall consist of five members as follows: The Superintendent of Education, *ex-officio*, and four members to be appointed by the Governor, three of whom shall reside in Spartanburg County. The term of office of aforesaid four members shall be, respectively, two, four, six and eight years, the term of each to be designated by the Governor when appointed. At expiration of term of office of any member of the Board, the Governor shall fill vacancy by appointment for term of eight years, the Governor to have power to remove for cause at any time. The said Board shall be allowed actual expenses for not more than two meetings in each year, to be paid by the Superintendent of the Institution. Nothing herein contained shall interfere with the present Board of Trustees and until after their term of office expires.

Civ. '02, § 1326; G. S. 1053; R. S. 1136; 1878, XVI, 707; 1894, XXI, 749; 1902, XXIII, 1026.

§ 1919. Duties and Powers of Board.—The Board of Commissioners are vested with the supervision and control of affairs and government of said institution, with power to regulate salaries of officers and teachers, to establish conditions, forms, and regulations for the admission of pupils therein, and to prescribe such rules and by-laws as in their judgment shall be necessary for the management and good government thereof.

Civ. '02, § 1327; G. S. 1054; R. S. 1137; 1878, XVI, 707.

§ 1920. Superintendent—How Elected.—The Superintendent of said institution shall be elected by said Board of Commissioners, and shall be the immediate executive head of the institution, and shall be responsible to the Board of Commissioners.

Civ. '02, § 1328; G. S. 1055; R. S. 1138; 1878, XVI, 707.

§ 1921. Duties and Powers of Superintendent.—The Superintendent shall nominate all his subordinate officers and teachers, subject to the approval of the Board of Commissioners; he shall be the official medium of communication between the Board and said subordinate officers and employees; shall make all regulations of internal police; shall authorize the purchase of ordinary supplies, and shall examine and certify to the correctness of all bills of such supplies.

Civ. '02, § 1329; G. S. 1056; R. S. 1139; 1878, XVI, 707.

§ 1922. Meetings of Board.—The Board of Commissioners shall elect a Chairman and Secretary from their number, and shall meet annually on the first Wednesday in August at the institution, and at such other times and places as the Chairman of the Board shall direct. The Board of Commissioners shall receive no compensation for their services.

Civ. '02, § 1330; G. S. 1057; R. S. 1140; 1878, XVI, 707.

§ 1923. Reports of Board.—The Board of Commissioners shall draw the annual appropriations as made by the Legislature for the support and maintenance of said institution, and shall annually report to the Legislature a statement of their various acts and doings during the past year, showing exactly how they

disbursed the money received and expended, and file vouchers covering the same in the office of the Comptroller-General.

Civ. '02, § 1331; G. S. 1058; R. S. 1141; 1878, XVI, 707.

§ 1924. All Deaf Mutes and Blind Persons Admitted.—All deaf mutes and blind of the State who are of proper age and mental capacity (each case to be decided by the Board of Commissioners) shall be admitted to the benefits of the institution.

Civ. '02, § 1332; G. S. 1059; R. S. 1142; 1878, XVI, 707.

§ 1925. Expenses of Applicants.—The whole or part of the expenses of the several applicants shall be paid, according to the opinion which the Commissioners may form as to the pecuniary condition of the applicants; and in case of more applications than would exhaust the annual appropriation, the Commissioners shall make selection according to their opinion of the deserts of the various applicants.

Civ. '02, § 1333; G. S. 1133; R. S. 1143; 1878, XVI, 708.

§ 1926. Expenses of Pupils.—The sum which shall be allowed for the board, tuition and all incidental expenses of one deaf and dumb or blind person for one year, shall not exceed one hundred and fifty dollars, not including herein traveling expenses, clothing and medical attendance, which the Commissioners shall place upon the most economical scale.

Civ. '02, § 1334; G. S. 1134; R. S. 1144; 1878, XVI, 708.

§ 1927. Board May Provide for Higher Education of Any Graduate.—The Board of Commissioners of the School for the Deaf and Dumb and Blind may, upon the recommendation of the Superintendent and Faculty, appropriate one hundred and fifty (\$150.00) dollars annually to provide for the higher education of any graduate thereof, matriculating in any special or regular course offered in any chartered college.

The Board shall make suitable regulations for such students, but not more than four graduates shall be thus aided in any one year.

1910, XXVI, 917.

Health

§ 1598. Inspection of Schools, etc.—Water Supply, etc.—Schools Closed during Epidemic.—It shall be the duty of the Board of Health as a body, or by committee, with the Health Officer, to make quarterly visits and inspections to all schools, seminaries or colleges (while in session) which are supported in part or entirely by public taxation, and examine and report on the sanitary condition of the same, the abatement and removal of garbage, refuse matter and nuisances which may prove prejudicial to the health of the pupils. They shall inquire into the purity of the water supply, the condition and efficient working of the drains, waste pipes, soil pipes and cesspools, the ventilation, lighting of the dormitories, lecture and study rooms of the buildings and the appliances in use for fire escapes. In case of the epidemic prevalence of contagions or infections, and in order to prevent the spread of the same, the Board of Health, by and with the consent of the City or Town Council, may order the schools, seminaries or colleges, in such town or city, partially or entirely supported by public taxation, closed until such times as they may deem it safe to reopen them. The Board of Health shall have the right to declare any epidemic or cause of ill health so injurious as to make it necessary to close any or all of the private schools in the limits of such city or town. Whatever sanitary conditions or evils shall be found by the Board of Health to exist in or around the public colleges, schools, etc., shall be reported by the Secretary of the Board of Health to the Trustees of the same, who shall take immediate steps to remedy the sanitary defects according to the rules and regulations prescribed by the Board of Health.

Civ. '02, § 1104; R. S. 964; 1883, XVIII, 793; 1894, XXI, 818.

§ 1607. Powers of School Authorities to Prevent Spread of Contagious or Infectious Diseases.—Any Board of Education, School Trustees, or any other body having control of any of the schools, may, on account of the prevalence of any contagious or infectious diseases, or to prevent the spread of any such disease, prohibit the attendance of any teacher or scholar upon any school under their control, and may specify the time such teacher or scholar shall remain absent, or they shall require a satisfactory certificate from one or more reputable practicing physicians that such attendance is no longer attended with risk to others attending school, and may also prohibit the entrance into or attendance at any school of all unvaccinated persons who have not had the smallpox. The said Board of Control or Trustees may also require vaccination of any or all teachers, scholars and attendants if a case of smallpox have occurred in the city or town.

Civ. '02, § 1110; R. S. 965; 1883, XVIII, 292, § 6.

Special Provisions as to Schools in Criminal Code

§ 575. A Misdemeanor for Certain Officers to Discount Teachers' Pay Certificates.—It shall be unlawful for any County Treasurer, County Auditor, member of County Board of Education, or School Trustee, to buy, discount or share, directly or indirectly, or be in any way interested, in any teachers' pay certificate, or other order on school fund, except such as are payable to him for his own services, or for any School Trustee to make any contract, or be pecuniarily interested, directly or indirectly, in any contract with any school district of which he is Trustee. If any of the officers aforesaid shall violate the provisions of this section, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine of not less than one hundred dollars nor more than five hundred dollars, to be used for school purposes in his county, and shall be imprisoned not less than three months nor more than twelve months, or either or both, and shall forfeit the amount of such claim or of his interest in such claim.

Crim. Code '02, § 418; R. S. 333; G. S. 2561; 1900, XXIII, 366; 1896, XXII, 150.

§ 576. School Officers Prohibited from Being Agent for School Books.—It shall be unlawful for any teacher of a school supported in whole or in part from the public school funds of this State, or any Trustee of any such school, or any other school officer, to become an active or silent agent of any school book publisher, or be in any wise pecuniarily interested in the introduction of any school book or books into any school in this State. Any person violating any of the provisions hereof shall, upon conviction thereof, be deemed guilty of a misdemeanor, and be subject to a fine of not less than one hundred dollars or imprisonment in the county jail for a period of not less than thirty days, or both, at the discretion of the Circuit Judge.

Crim. Code '02, § 419; 1896, XXII, 170.

§ 577. County Superintendents of Education to Apportion School Funds Monthly among School Districts.—Within ten days after the County Treasurer makes his monthly report to the County Superintendent of Education, showing the amount of money collected by him since his last monthly report, it shall be the duty of the County Superintendent of Education to apportion the money arising from a tax on property as shown by the Treasurer's report among the school districts of his county and to certify such apportionment to the County Treasurer, together with the poll tax belonging to each district as shown by said report; and it shall be the duty of the County Treasurer to enter upon his book to the credit of each school district the amount due each district according to such certificate of apportionment, and the County Treasurer shall pay out the money belonging to the respective districts, upon the school warrants of such districts, duly signed and countersigned by the school authorities, for that scholastic year in the order of their presentation, provided that there be no outstanding claims of the previous scholastic year; and the Comptroller General shall receive the warrants thus paid as proper vouchers in the hands of the County Treasurer.

The failure or refusal of a County Superintendent of Education or a County Treasurer to comply with the foregoing provisions, or any of them, shall constitute a misdemeanor, and upon conviction thereof he shall be subject to a fine of not more than one hundred dollars, or imprisonment in the county jail for not more than thirty days.

Crim. Code '02, § 420; 1898, XXII, 761.

§ 578. Treasurer Not to Demand Commission on School Funds.—Any County Treasurer who shall demand or receive any commissions for paying out the school funds paid out by him from the person charged with receiving them, or shall charge any person commission on the same, shall be deemed

guilty of a misdemeanor, and on conviction shall be fined not less than fifty dollars for each such offense or be imprisoned for a period not less than three months.

Crim. Code 1902, § 421; G. S. 2563; R. S. 334; 1876, XVI, 165.

§ 580. Treasurer to Keep Amount of Poll Tax—Penalty.—The several County Treasurers shall retain all the poll tax collected in their respective counties; and it is hereby made the duty of the said County Treasurer, in collecting the poll tax, to keep an account of the exact amount of said tax collected in each school district in his county; and the city of Charleston, for the purpose of this section, shall be deemed a school district, and the County Treasurer shall pay over to the City Board of School Commissioners the amount of poll tax collected in said city; and the poll tax collected therein shall be expended for school purposes in the school district from which it was collected; and any violation of this section by the County Treasurer shall constitute, and is hereby declared, a misdemeanor, and on conviction thereof the said County Treasurer shall pay a fine of not less than five hundred dollars nor more than five thousand dollars, to be used for school purposes in the county suffering from such violation, or imprisonment, in the discretion of the Court.

Crim. Code '02, § 423; G. S. 1021; R. S. 336; 1878, XVI, 582.

§ 581. Treasurer to Report to School Commissioner.—He shall, on the fifteenth day of each month, report to the School Commissioner of his county the amount of collections and disbursements made by him for the month on account of poll tax and all other school funds; and it shall be a misdemeanor on the part of any County Treasurer to neglect, fail or refuse to make such report, and on conviction thereof he shall pay a fine of not less than five hundred dollars, the same to be used for school purposes in the county.

Crim. Code '02, § 424; G. S. 1022; R. S. 337; 1878, XVI, 584.

§ 582. Penalty for Neglecting to Report School Funds to Superintendent of Education.—He shall make out and forward annually to the Superintendent of Education, on the first day of November, a certified statement showing, by school districts, the amount of poll and other school taxes collected by him for the fiscal year ending on the 31st day of October next preceding; and on failing, neglecting or refusing to make and forward such statement the State Superintendent of Education shall make a written complaint to the Circuit Solicitor for the county in which the said County Treasurer resides, who shall prosecute the said County Treasurer for the same; and on conviction thereof he shall be subject to a fine of five hundred dollars, the same to be used for free public school purposes in his County.

Crim. Code '02, § 425; G. S. 1023; R. S. 338; 1878, XVI, 584.

§ 583. Auditor to Report Polls, etc.—Penalty.—It shall be the duty of each Auditor to state, in a separate column, the school district in which the taxpayer resides. At the expiration of the time prescribed by law to receive returns he shall make out and forward to the Board of Trustees of each school district within his county a correct list of the polls returned from their respective districts. When the School Trustees have reported to him the names of all persons who have failed or neglected to make returns, it shall be his duty to enter upon his books the names of all persons thus reported to him, and he shall enter the names of said persons upon the tax duplicate furnished the County Treasurer. And any Auditor failing to comply with either or all of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction before a Court of competent jurisdiction shall be fined in a sum of not more than one hundred dollars or be imprisoned for a term not exceeding thirty days.

Crim. Code '02, § 426; R. S. 339; 1890, XX, 718; 1891, XX, 1049; 1892, XXI, 18.

§ 585. Exercising Office of Examiner or Trustee after Removal.

—If a member of any County Board of Examiners in any county of this State, or a Trustee of any school district, shall attempt to act or discharge the duties of either of said offices after he has been removed, or after his successor shall have qualified, he shall be deemed guilty of a misdemeanor, and after conviction be punished by a fine of not less than one hundred and one dollars or imprisonment for not less than thirty days, or both, at the discretion of the Court.

Crim. Code '02, § 428; G. S. 1024; R. S. 341; 1878, XVI, 584.

§ 586. Failure of School Commissioner or County Treasurer to Keep "General Cash Account."—The failure of any County School Commissioner or any County Treasurer of this State to keep a book of entry, in which shall be kept an account known as "general cash account," as required by law, shall be deemed a misdemeanor, and on conviction thereof he shall be subject to a fine of not less than two hundred dollars or imprisonment in the county jail for a period not less than six months.

Crim. Code '02, § 429; G. S. 342; 1892, XXI, 81.

Regulations of State Board of Education.

RULE 1. The Governor shall be Chairman, and the State Superintendent of Education Secretary of the Board.

RULE 2. The Board shall meet at the call of the Chairman, or at the request of a majority of its members.

RULE 3. The Secretary shall keep a record of the actions of the Board in a book provided for that purpose, which record shall be the only official record of its proceedings.

RULE 4. The order of business shall be as follows: Calling to order, reading of minutes of the previous meeting, unfinished business, reports of Committees, report of the Chairman, report of the Secretary, and new business.

RULE 5. All resolutions shall be reduced to writing by the mover, and likewise all amendments.

RULE 6. A motion must receive a second before it can be entitled to consideration by the Board.

RULE 7. The Chairman and Secretary are authorized to fill all vacancies that may occur in the County Boards of Education, and to report their action to the Board at its meeting for its consideration.

RULE 8. All vacancies in the office of County Superintendent of Education shall be filled by ballot, and a two-thirds vote of the members present shall be necessary to fill the vacancy.

RULE 9. The following is the general plan for the Teachers' Reading Circle as outlined by the State Board of Education: One book on professional reading, one book on general professional reading, one book on miscellaneous reading, literature and current events. The course shall continue for three years and certificates may be renewed from year to year after examination. Teachers who have first grade certificates and who pursue this course successfully will be granted a ten-year certificate. The Reading Circle examination shall be sent out the first Tuesday in December of each year, and all examination papers must be filed with the State Superintendent of Education on or before September 1st following.

RULE 10. The Governor and the State Superintendent of Education are empowered to grant State certificates upon the presentation of diplomas from reputable colleges and universities in other States of as high rank as leading colleges of this State. Such certificates to be subject to confirmation by the State Board at its next meeting.

RULE 11. All scholarship examinations shall be held by the County Boards of Education, and the faculties of the Institutions in which the applicants seek scholarships, shall grade the examination papers of such applicants, except in cases where the law otherwise specifies.

RULE 12. After February, beginning in May, 1903, there shall be two county examinations for teachers' certificates each year, to be held in the spring and in the fall, and hereafter no teacher shall be employed in the public schools of this State who has not registered a certificate in the office of the County Superintendent of Education and submitted proof thereof to the Board of Trustees employing him.

RULE 13. Every applicant for a county certificate shall stand a satisfactory written examination before the County Board of Education, on uniform questions prepared and furnished by the State Board, the examination to be held in all the counties on the same day, or he or she shall present to the County Board a full diploma from some reputable chartered college or university of this State, whose curriculum, standing, faculty and equipment have been examined and approved by the State Board of Education. No certificate shall be issued on a diploma showing that the holder has only completed the course of some particular department of a school; the diploma must show that the full college course has been completed.

LIST OF ACCREDITED COLLEGES.

University of South Carolina.	Converse College.
Wofford College.	Columbia College.
Furman University.	College for Women.
Clemson College.	Winthrop College.
South Carolina Military Academy.	Lander Female College.
Erskine College.	Presbyterian College of South Carolina.
Newberry College.	Due West Female College.
Greenville Female College.	Meniminger Normal School.
Charleston College.	Clifford Seminary.
Chicora College.	Coker College.
Limestone Female College.	

(COLORED.)

Claflin University.	Allen University.
State Colored College.	Harbison College.
Benedict College.	Schofield Seminary.
Avery Normal Institute.	Sterling Ind. Institute.

Friendship Normal and Industrial College.

RULE 14. Uniform examination questions shall be prepared and furnished by the State Board of Education for county examinations.

RULE 15. There shall be three grades of Teachers' County Certificates—first grade, second grade and third grade—this not to affect any certificate now outstanding.

RULE 16. To obtain a First Grade Teachers' County Certificate, the applicant shall stand a written examination on questions prepared and furnished the County Board of Education by the State Board, and shall make a general average of not less than 80 per cent. and not less than 50 per cent. on any one branch.

To obtain a Second Grade Teachers' County Certificate, the applicant shall stand a written examination on questions prepared and furnished the County Board of Education by the State Board, and shall make a general average of not less than 70 per cent. and not less than 45 per cent. on any one branch.

To obtain a Third Grade Teachers' County Certificate, the applicant shall stand a written examination on questions prepared and furnished the County Board of Education by the State Board, and shall make a general average of not less than 60 per cent. and not less than 40 per cent. on any one branch.

The County Board may, in each instance, impose oral tests in reading and language. In estimating for a second or third grade certificate algebra need not be included; if it would be to the applicant's advantage it may be included.

RULE 17. No person shall be permitted to take an examination who is not at least eighteen years of age, and before taking an examination each applicant shall

satisfactorily pass such oral tests in reading and language as the Board may impose.

RULE 18. A First Grade Certificate may be renewed by the County Board from which it was issued. If, however, a Teachers' Institute or Summer School is held in the County, a First Grade Certificate shall not be renewed unless the holder attends the Institute or Summer School, or shows to the State Board of Education some satisfactory reason for not doing so: *Provided*, The holder has taught during the two years for which the certificate was issued.

A Second Grade Certificate shall not be renewed except where the holder attends a Teachers' Institute or Summer School, and in such case may be renewed.

A Third Grade Certificate shall not be renewed.

RULE 19. The County Board shall issue to each applicant making the required per cent. a certificate, signed by each member of the Board, and under the seal of the office of the County Superintendent of Education of the county, and showing on its face the per cent. made on each branch and the general average. The certificate shall run for two years from its date, and the holder shall be deemed competent to teach in the public schools of the county.

RULE 20. No certificate of qualification shall be granted by any County Board under any circumstances to any person who is under eighteen years of age.

RULE 21. The County Board of one county may recognize a certificate issued by the County Board of another county, but in such case they shall register the name of the holder, county from which issued, date and number of the certificate, and when so registered, it shall have the same force as if issued in that county.

RULE 22. Each County Board shall keep a register, in which shall be recorded the name, age, sex, color and postoffice of each person to whom a certificate is granted, and also the date and grade of the certificate.

RULE 23. Every claim or warrant issued by a Board of Trustees shall be signed by at least two members of the Board, and should not be approved by the County Superintendent of Education until the Clerk of the Board of Trustees has entered it in a book kept for that purpose.

No pay warrant shall be issued by any Board of Trustees or approved by any County Superintendent of Education in favor of any teacher who, after July 1, 1901, uses in the public schools of this State any text-book to the exclusion of the text-book or text-books herein adopted on the same subject, and who has not registered in the office of the County Superintendent of Education a certificate to teach.

RULE 24. No teacher shall be employed by the Board of Trustees who is related by consanguinity or affinity within the second degree to a member of the Board of Trustees or to a principal of a school, without the written approval of the County Board of Education, nor shall they employ a teacher holding a certificate issued by a County Board of another county until the certificate has been duly registered in the office of the County Superintendent of Education of their own county.

RULE 25. No public school supplies shall be purchased by school officers for use in the public schools of any county in the State except such as are authorized by the State Board to be sold. The vendors of all such supplies authorized to be sold by this Board shall enter into a written contract with this Board, in which the prices of the supplies shall be stated, and copies of the supplies shall be placed in the office of the State Superintendent of Education and the supplies sold to the schools shall at all times conform to the samples, and the prices shall not exceed the prices agreed on. The County Boards may allow or disallow such supplies, or any of them, to be sold in their counties. In case they permit the same to be

sold, they shall give the vendor written permission to offer the same to the Trustees of their counties, the prices of the supplies to be named in the written permission, leaving the purchase, or not, of such supplies to the good judgment of the Boards of Trustees. In case the trustees purchase any of such supplies, they may give a warrant against the school fund of their district in payment thereof, but in no case shall the County Superintendent of Education countersign or endorse any such warrant until the supplies have been delivered; the County Superintendent shall hold all such warrants in his possession until the delivery of the supplies is made. All persons purchasing any such warrants before the same have been countersigned by the County Superintendent of Education, do so at their own risk.

RULE 26. All applications on behalf of universities and colleges for approval of course of study by the State Board of Education in order to issue a diploma for the degree of Licentiate of Instruction shall be in writing and show the course of studies pursued in each year, the number of years required to complete the course, the text-books to be used and the number of examinations held each year. (Adopted May 5, 1899.)

The colleges whose courses of study for the Licentiate Degree have been approved by the State Board are: May 5, 1899, South Carolina College, Due West Female College, Claflin University, Benedict College; May 4, 1900, the State Colored College, Greenville Female College; April 23, 1909, Chicora College.

RULE 27. In all cases of appeals from decisions of County Boards notices of appeal must be served on the Secretary of the County Board of Education, on the Secretary of the State Board of Education, and also on the respondents within thirty days from the decision of the County Board, and all testimony, records and papers must be on file in the office of the State Superintendent of Education at least ten days before the meeting at which the appeal is to be heard. In all appeal cases, the Secretary of the State Board of Education shall assign an equal length of time for reviewing testimony and argument by appellants and respondents, and notice of such time assigned shall be accordingly given by the Secretary of the State Board.

RULE 28. County Boards of Education shall require all public school buildings to be constructed only upon land owned by the school district. No school building shall be aided by funds under the School Improvement Act unless constructed according to plans approved by the State Board of Education, and unless the building is found to be of first class material and workmanship, upon inspection by the County Superintendent of Education.

(Note.—Atty. Gen'l Op., 1905, p. 47; 1906, p. 97.)

RULE 29. State Certificates may be issued to teachers who successfully complete nine courses at the State Summer School, and County Certificates may be issued to those who successfully complete nine courses at the County or District Summer Schools.

High School Regulations.

RULE 30. The application for State aid to a high school must be submitted to the Secretary of the State High School Board, through the County Superintendent of Education; applications, in order to receive consideration, must be filed prior to September 1st of each year.

RULE 31. After the application has been received, an inspection and examination shall be made of each school and the conditions of each high school district by a high school inspector. If such inspector makes a favorable report, the school may be received by the Chairman and Secretary of the High School Board, subject to the approval of the said Board, and the aid shall then be disbursed as provided in the High School Law and regulations of the State High School Board.

RULE 32. The high school inspector, or inspectors, shall also make an annual inspection of each school, and any school may be dropped from the list of those receiving State aid whenever such school falls below the requirements of the High School Law and regulations of the State High School Board; State aid may be withheld from any high school whenever it becomes evident to the said Board that the teaching in said school is inefficient. The local High School Board shall receive at least two months' notice before the withdrawal of aid.

RULE 33. For a high school to receive State aid there must be at least two teachers devoting all their time to high school teaching: *Provided*, That if a high school has in it but two teachers, one of whom is the supervising principal of the common school department, four hours a day actual teaching in the high school department by him shall be accepted as full time, but he shall do no regular teaching below the high school.

RULE 34. Section 7 of the High School Law provides for aid to be given a rural high school or a village high school with fifteen high school pupils and one high school teacher.

RULE 35. No aid shall be given to a one-teacher high school unless the common school department has in it at least two teachers giving full time to teaching in the common school department. A two-teacher high school must have at least three teachers giving full time to teaching in the common school department. (The music teacher will not be counted as one of the teachers in the common school, unless music is a regular school subject given without charge for tuition.)

RULE 36. No aid shall be given a high school unless all the teachers in that department hold first grade certificates for teaching. The teachers in the common school department must have certificates. The employment of any teacher without a certificate forfeits the school's right to State aid.

RULE 37. High schools receiving aid shall continue in session at least thirty-two weeks in each scholastic year.

RULE 38. No high school recitation periods of less time than thirty minutes will be accepted: *Provided*, That a recitation period in a one-teacher high school may be as short as twenty minutes.

RULE 39. Nothing less than the course of study adopted by the State Board of Education for high schools, or its equivalent, will be accepted as high school work. The high school course of study issued by the State Board of Education may be used without following the order as laid down in that course.

RULE 40. State aid will not be given toward making permanent improvements, such as buildings, seats, heating and other equipment.

RULE 41. State aid will be given to a high school only when such aid goes toward increasing the efficiency of the school beyond what it was immediately previous to receiving the first appropriation. No aid will be given to a high school if such aid be used to decrease the amount of local support to the high school department. Improvements, such as increase in the teaching time given in the high school, additional courses of study, lengthening the course of study and increase in the high school salaries, will count as increased efficiency.

RULE 42. No aid will be given any high school unless said high school is taught in a safe and comfortable building.

RULE 43. No appropriation to any high school shall be paid until the school has been reported on favorably by an inspector.

RULE 44. Except for extraordinary reasons, no two high schools shall be established less than five miles apart

RULE 45. When the high schools in any county shall have qualified for the maximum appropriation for that county (\$3,000.00) no additional schools shall be accepted for that year.

RULE 46. Appropriations for the scholastic year 1909-1910 shall be as follows:

To a one-teacher high school, one-half the salary of the high school teacher, up to \$300.00 on the part of the State.

To a high school with the full time of one high school teacher and part time of a second high school teacher, one-half of the salary of the full teacher, up to \$300.00 on the part of the State; and the same for the second teacher, *pro rata* according to teaching time in the high school and the salary paid.

To a two-teacher high school, the full salary of the lower salaried high school teacher, up to \$55.00 per month on the part of the State.

To a high school of three teachers or more, the full salary of the lowest salaried high school teacher, up to \$55.00 per month on the part of the State. One hundred dollars additional will be given to such high school as receives a credit of 12 standard units: *Provided*, The highest grade shall have as many as three regular pupils; and a second one hundred dollars additional to such high school as receives a credit of 14 standard units: *Provided*, The highest grade shall have as many as three regular pupils.

RULE 47. The State Board accepts each high school on the showing made by it in its application for State aid. Wherever any school fails to meet the conditions set forth in its application, the State Board will scale the appropriation in proportion to the school's failure.

RULE 48. When the actual attendance in any State aided high school falls below the required enrollment as long as one school month, the appropriation will be scaled in proportion to the reduced attendance, and for such time as the attendance remains below the required enrollment.

RULE 49. No State aid will be given any high school when the total high school salaries exclusive of State aid exceed the total common school salaries. (The music teacher's salary will not be counted in the common school salaries, unless music is a regular school subject given without charge for tuition.)

Extension Regulations.

RULE 50. Regular school funds are poll tax, three-mill tax, Dispensary profits, and dog tax.

RULE 51. No district having sufficient regular school funds to run the schools of the district 100 days shall receive aid under this Act.

RULE 52. No aid shall be given any district until all the regular school funds have been expended, either by contract or by actual outlay.

RULE 53. No district shall receive more than \$100 from the State, nor more than the amount raised by special tax.

RULE 54. No district shall receive aid from the State unless each teacher, employed in the district, holds a certificate which has been registered in the office of the County Superintendent of Education.

RULE 55. Every application shall be signed by the chairman, or the clerk of the Board of Trustees, and by the County Superintendent of Education, and shall be accompanied by a certificate from the County Auditor, showing the amount of special tax levied on the property of the district.

RULE 56. The State Superintendent of Education shall forward the amount appropriated to any district to the County Treasurer to be placed to the credit of the district.

RULE 57. No application shall be honored unless it reaches the office of the State Superintendent of Education, on or before November 15.

RULE 58. All money secured under this Act, during any scholastic year, shall be expended prior to the beginning of the new school year, July 1st, and shall be paid out only on the warrant of the Trustees, approved by the County Superintendent of Education.

RULE 59. The State Superintendent of Education may refuse any application which, in his judgment, would not increase the efficiency of the free public schools: *Provided*, That such refusal be subject to the review and approval of the State Board of Education.

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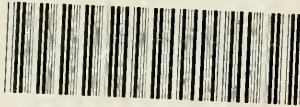
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